

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22673 of 2015

Arising Out of PS.Case No. -4 Year- 2011 Thana -KALER District- JEHANABAD

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1. Upendra Upadhyay son of Sri Brij Nandan Upadhyay resident of village - Upadhyay Bigha, Post - Mainpura Chanda, Police Station - Kaler in the district of Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 08-07-2015 Heard learned counsel for the petitioner as well as learned APP.

At an earlier occasion, vide Cr.Misc.No.16577 of 2012 order dated 3.5.2012 petitioner was granted bail “subject to condition to attend the court regularly on each and every date till disposal of the case and in case of failure on two consecutive dates without giving reasonable explanation, the privilege granted shall be deemed to be cancelled.”

Although no annexure by way of relevant order sheet has been tagged with the main petition, during course of hearing learned counsel for the petitioner filed the certified copies of the order sheets of Kaler P.S.Case No.4 of 2011 wherefrom, it is apparent that on 21.6.2012, cognizance of the offence against the petitioner was taken and the case was kept in personal file by the learned Chief Judicial Magistrate for commitment posting next date on 28.7.2012. Next date happens to be 28.7.2013/29.7.2013 on which date accused was absent. However, learned counsel for

the petitioner stressed upon that the accused was present. Subsequently thereof, the case was transferred to the court of Sri S.K.Rai, Judicial Magistrate on the same day. The record was received on 13.8.2013. On 21.10.2013, the date already fixed since before again accused was absent, fixing 15.4.2014, again absence was recorded fixing 25.7.2014, again accused was absent and on account thereof, in the background of condition so imposed in Cr.Misc.No.16577 of 2012, bail bond of the petitioner was cancelled and warrant of arrest was issued. On the basis of the aforesaid process, petitioner was apprehended and produced on 15.2.2015.

It has been submitted that the case has already been committed as well as charge has also been framed against the petitioner.

With the same terms and condition so imposed under Cr.Misc.No.16577 of 2012, petitioner Upendra Upadhyay is directed to be released on bail on furnishing bail bond of Rs.10,000/(ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ravindra Nath Tripathi, Additional Sessions Judge, IV, Jehanabad in connection with Kaler P.S.Case No.04 of 2011 (Sessions Trial No.66 of 2015/Trial No.63 of 2015).

(Aditya Kumar Trivedi, J)

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