

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38234 of 2014**

Arising Out of PS.Case No. -87 Year- 2006 Thana -RAJNAGAR District- MADHUBANI

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Md. Yunus S/o Late Md. Gadali R/o vill.- Balha, P.S.- Rajnagar, Dist.-  
Madhubani

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ram Shankar Das, Adv.

For the Opposite Party/s : Mr. R.B.S. Pahepuri, APP

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**CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL**  
**ORAL ORDER**

3      28-01-2015                      This application has been filed for quashing the order dated 7.1.2014 passed by the learned 3<sup>rd</sup> Additional Sessions Judge, Madhubani in Sessions Trial No. 41 of 2007 by which the petition under Section 317 Cr.P.C. filed on behalf of the petitioner and other accused has been rejected and their bail bonds have been cancelled as for the last four dates the case had been fixed for statement of the accused (under Section 313 Cr.P.C). Further the office clerk has been directed to issue non-bailable warrant of arrest.

Learned counsel for the petitioner submits that the petitioner will appear on the next date fixed by the learned trial Court. He has further submitted that the bail bond of the petitioner should not have been cancelled. He has relied upon a decision of

this Court in the case of Lalu Kumar Dwivedi @ Lalloo Dwivedi vs. the State of Bihar, reported in 2007 (2) PLJR 572.

Learned counsel for the State submits that the aforesaid decision is not applicable in the case of the petitioner.

It appears that in case of Lalu Kumar Dwivedi learned Magistrate had accepted the petition under Section 317 Cr.P.C. filed on behalf of the petitioner and the case was fixed on 19.7.2005 but subsequently by different hand writing in the said order his bail bond was directed to be cancelled and non-bailable warrant was directed to be issued. In this case, there is no such averment. It appears from the impugned order that the petition under Section 317 Cr.P.C. filed by non-appearing accused including the petitioner was rejected and the bail bond was cancelled as the case was fixed for statement of the accused for the last four dates.

Considering the facts and circumstances, I do not find any ground to interfere with the impugned order. This petition is dismissed.

**(Amaresh Kumar Lal, J)**

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