

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44385 of 2013

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1. The State of Bihar through the Superintendent of Police Begusarai, At Begusarai, P.S. Begusarai, District Begusarai.

.... Petitioner/s

Versus

1. Nagmani Mahto @ Nagmania S/O Jai Prakash Mahto Resident of Village Kumbhi, P.S. Chari Bariyarpur, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Indihar Kumari

For the Opposite Party/s : None

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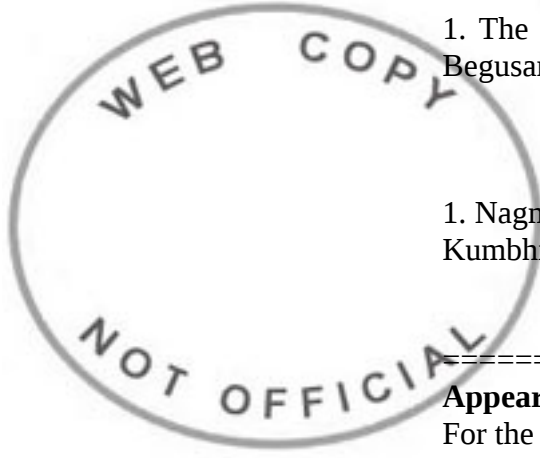
CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

11 01-04-2015 Supplementary affidavit is filed on behalf of the petitioner.

Heard learned Additional Public Prosecutor for the State. No one appears on behalf of opposite party though notice has already been served to his conducting lawyer.

The opposite party was made accused in Khodabandpur P.S. Case No. 35 of 2009 corresponding to Sessions Trial No. 273 of 2010 and he was granted privilege of bail by this court vide order dated 27.06.2011 passed in Cr. Misc. No. 17138 of 2011.

It is contended on behalf of the petitioner that on being released from jail custody, the opposite party repeatedly committed several serious offences for which several cases were





lodged against him and the conduct of the opposite party reflects that he has become a threat for society and, therefore, it is desirable that the bail granted to the opposite party in Khodabandpur P.S. Case No. 35 of 2009 vide order dated 27.06.2011 passed in Cr. Misc. No. 17138 of 2011 should be cancelled. To fortify the above stated contention, learned Additional Public Prosecutor drew my attention towards Annexure-14 series annexed with supplementary affidavit.

It would appear from perusal of Annexure-14 series of supplementary affidavit that several serious cases of extortion, murder etc were registered against the opposite party.

It is pertinent to mention here that this court made several attempts to serve notice upon the opposite party but he avoided the service and lastly, the notice was sent to him through his learned counsel who is working on his behalf before the court below and then notice was served upon learned counsel of opposite party but in spite of that none appeared on behalf of opposite party.

Considering the aforesaid facts and circumstances, I do agree with the submissions of learned Additional Public Prosecutor that the opposite party has become a threat for society and, therefore, in my view, he should not be permitted to continue

on bail in Khodabandpur P.S. Case No. 35 of 2009 corresponding to Sessions Trial No. 273 of 2010.

Accordingly, this petition is allowed and the bail granted to opposite party in Khodabandpur P.S. Case No. 35 of 2009 corresponding to Sessions Trial No. 273 of 2010 vide order dated 27.06.2011 passed in Cr. Misc. No. 17138 of 2011 is, hereby, cancelled.

The opposite party is directed to surrender before the court of Additional Sessions Judge-IV, Begusarai/concerned court in connection with Khodabandpur P.S. Case No. 35 of 2009 corresponding to Sessions Trial No. 273 of 2010 within two weeks from today, failing which the concerned court shall take all effective steps to procure the attendance of opposite party and to remand him in connection with above stated case.

In the aforesaid manner, this petition stands disposed of.

Let this order be communicated to the concerned court through e.mail without any delay.

(Hemant Kumar Srivastava, J)

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