

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2907 of 2015

Arising Out of PS.Case No. -2 Year- 2010 Thana -Phulwaria
District- Begusarai

=====

Mahesh Sharma Son of Late Suresh Sharma R/o Village -
Shokhara (2), P.S. Phulwariya, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anjani Parashar

For the Opposite Party/s : Mr. Pronoti Singh(APP)

=====

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL ORDER

2. 21-01-2015 Heard learned counsel for the petitioner
and learned counsel for the State.

This is an unfortunate case wherein the court below has taken the petitioner in custody taking into consideration that he has violated the terms and conditions imposed vide order dated 26.05.2010 passed in Cr. Misc. No. 12812/2010 in connection with Fulwariya P.S. Case No. 02 of 2010 pending before Sri Dev Priya Kumar, learned Judicial Magistrate, 1st Class, Begusarai.

While granting privilege to the petitioner an additional condition was imposed “to attend the court on each and every date at least for one year or till disposal of the case, **whichever is earlier**”. But as it appears from the order of the court dated

17.12.2014 passed in B.A. No. 1900/2014, he left to consider the words “whichever is earlier”. Such type of error is not expected from a senior court like Additional Sessions Judge. Further, **petitioner carries no criminal antecedent.**

If, it is so, having regard to the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of **Sri Dev Priya Kumar, Judicial Magistrate, 1st Class, Begusarai, in connection with Fulwariya P.S. Case No. 02 of 2010.**

(Akhilesh Chandra, J.)

Rajeev/-

U		T	
---	--	---	--