

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24331 of 2015

Arising Out of PS.Case No. -2 Year- 1977 Thana -MUZFFARPUR GRP CASE District- MUZAFFARPUR

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1. Laxman Prasad, S/o Late Samar Das, Resident of Mohalla- Andigola Road, P.S.- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 14.07.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 31.3.2015 in a case registered for the offence under section 7 of the Essential Commodities Act and section 420 of the Indian Penal Code.

It would appear from the impugned order that petitioner was granted bail in course of investigation and after submission of the charge sheet when cognizance of the offence was taken, he appeared and released on provisional bail on 5.5.1990 and time to time provisional bail of the petitioner was extended but due to some communication gap, petitioner could not appear before the court below resulting cancellation of his bail. Subsequently, on 25.3.1991, petitioner was declared absconder and accordingly, it is said that the petitioner has committed misuse of privilege of bail for more than 24 years and hampered the progress of the trial.



Learned counsel appearing for the petitioner submits that, as a matter of fact, record of the petitioner was found missing when call of strike was given and later on, petitioner as well as his counsel failed to locate the record. It is further contended by him that moreover, petitioner has sufficiently been punished by remaining in jail custody since 31.3.2015. Now, petitioner undertakes to appear before the court below on each and every date without fail.

Considering the above stated facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate (East), Muzaffarpur in trial no.2224/2015 arising out of Muzaffarpur G.R.P. Case no. 02/1977 subject to the conditions that one of the sureties must be son of the petitioner and furthermore, petitioner shall attend the learned trial court in person on each and every date for the period of one year or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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