

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41201 of 2015

Arising Out of PS.Case No. -11 Year- 2004 Thana -NAWADA MUFFASIL District- NAWADA

1. Chhotu Kumar @ Chuchu, Son of Late Maheshwar Mandal, Resident of Village- Musrigharari, P.S.- Serairanjan, District- Samastipur, at present Resident of Mohalla- Mithapur Farm, P.S. Jakkanpur, P.O.- G.P.O., District- Patna. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 02-09-2015 Heard Mr. Arun Kumar learned counsel for the petitioner and learned counsel for the State.

The petitioner is accused in Nawada (Mufassil) P.S. Case No.11 of 2004 for the offence punishable under Sections 399 and 402 of the Indian Penal Code.

This is the second instance when the petitioner is charged with misuse of the privilege of bail.

The petitioner was earlier granted bail vide order passed on 23.12.2004 in Cr. Misc. Case No.39735 of 2004 but in absence of pairvi the bail bonds were cancelled by order dated 5.7.2007. The petitioner was taken in custody on 20.7.2009 in connection with another matter and was remanded in the present case on 4.9.2009 when he renewed his prayer for bail in Cr. Misc. Case No.37088 of 2009 and it is in consideration of the circumstances that this Court vide order passed on 3.11.2009 released the petitioner on bail subject to the condition that one of the bailor would be the

own family member and that the petitioner would personally appear before the court below on each date. The petitioner having jumped the conditions that his bail bond has been cancelled again on 2.5.2013 and he is again before this Court.

Mr. Arun Kumar learned counsel for the petitioner with reference to the order of the trial court in Sessions trial No.359 of 2004/305 of 2004/407 of 2014 has submitted that since after the order of this Court granting him bail passed on 3.11.2009 the petitioner had regularly been presenting himself on each date and the position is accepted by the court below until 18.9.2013 and it is only thereafter that the petitioner absented and his bail bonds were cancelled on 25.11.2013 and even an attachment proceedings initiated. The petitioner after jumping the conditions has surrendered two years thereafter on 2.7.2015.

In the circumstances so discussed, I am not persuaded to consider the prayer of the petitioner presently and this application is dismissed.

Considering that the trial is more than a decade old, the trial court would be well advised to conclude the trial expeditiously and in case the same is not concluded within six months next for reasons not attributable to the petitioner, he may renew his prayer after six months.

Bibhash/-

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

(Jyoti Saran, J)