

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 30291 of 2011

Arising out of P.S. Case No. -366 Year- 2008 Thana -Town
District- AURANGABAD

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Santosh Upadhyay S/o Late Ram Pravesh Upadhaya Resident of
Village- Moudihar, P.S.- Darihat, District- Rohatas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s: Mr. Ram Chandra Sahani, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2015

The Petitioner seeks quashing of the order dated 07.03.2011 passed by the Spl. Sessions Judge, Aurangabad in Cr. Misc. No. 05 of 2010 by which he has cancelled the bail granted to him by the predecessor Court in Aurangabad (T) P.S. Case No. 366 of 2008 on the ground that after having been released on bail he assaulted the Informant of the present case and, thus, misused the privilege of bail.

Considering the undertaking of the Petitioner that he will be responsible in future and in fact the string of cases has been filed on account of financial dispute, the application is allowed and the order dated 07.03.2011 passed by the Spl. Sessions Judge, Aurangabad in Cr. Misc. No. 05 of 2010 by which he has cancelled the bail granted to him by the predecessor Court in Aurangabad (T) P.S. Case No. 366 of 2008 is, hereby, set aside.



The Petitioner shall be permitted to remain on previous bail bonds subject to the following conditions:- (i) That one of the bailors shall be the wife of the Petitioner and the other bailor shall be local since the Petitioner belongs to Rohtas District. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iii) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

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