

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.503 of 2014

Arising Out of Sheikhpura PS. Case No. 135 Year- 2012 District- SEKHPURA

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Md. Wahid, son of Md. Sahid, resident of village Pachana, P.S. Sheikhpura, Distt. Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Irshad, Adv.
Md. H. Quraishi, Adv.

For the State : Mr. Anil Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

Heard learned counsel for the petitioner and the State.

This Revision application has been filed for setting aside the order dated 22.3.2013 by which the Chief Judicial Magistrate, Sheikhpura, cancelled the bail bond of the Petitioner on 22.3.2013 in connection with Sheikhpura P.S. Case No. 135 of 2012.

The petitioner seeks release in Sheikhpura P.S. Case No. 135 of 2012.

It appears that initially the Petitioner was granted bail by an order dated 19.5.2012 but thereafter the bail bond was cancelled under Section 437(5) Cr. P.C. on the ground that Ammonium Nitrate was Explosive Substance.

Without going into merit of the aforesaid, considering that in the intervening period the Petitioner did not indulge in any illegal activity as also he undertakes to be physically present on each date of

Trial, the application is allowed and the order dated 22.3.2013 passed by the Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 135 of 2012 is hereby set aside.

However, the Petitioner shall furnish a fresh bail bond in terms of the conditions, (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail. (iii) 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. (iv) 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. (v) That the Petitioner will be physically present on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

S.Ali/-

(Anjana Prakash, J)

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