

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28818 of 2015

Arising Out of PS.Case No. -103 Year- 1992 Thana -CHAPRA TOWN District- SARAN

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1. Md. Alam @ Md. Alam Khan son of Late Shafi Ahmad Khan resident of village - Basahi P.S. Janta Bazar District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Chapra Town P.S. Case No. 103 of 1992 registered for the offence punishable under Sections 489(B) and 420 of the Indian Penal Code.

It is a case of misuse of privilege of bail. The petitioner was granted bail by the court of learned C.J.M. but he remained absconding resulting he has been declared absconder.

Submission is that on the record there is no service report and without service report and execution report the petitioner has been declared absconder. The petitioner undertakes to remain present on each and every date and he by remaining in

custody since 17.05.2015 has sufficiently been punished at this stage. It is also submitted that co-accused Surender Giri has been acquitted in this case vide Sessions Trial No. 75 of 2000 and as such the petitioner deserves sympathetic consideration to which learned APP fairly submitted that now by remaining in custody the petitioner has sufficiently been punished.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Saran at Chapra in Sessions Trial No. 660 of 2004 arising out of Chapra Town P.S. Case No. 103 of 1992, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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