

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44267 of 2015

Arising Out of PS.Case No. -202 Year- 2011 Thana -BARUN District- AURANGABAD

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1. Binod Kumar S/o Jokhan Ram, resident of village- Sansa, P.S.-
Daudnagar, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 23-09-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner was granted privilege of bail by a co-ordinate Bench of this court vide order dated 5.11.2012 passed in Cr. Misc. No.35053 of 2012, directing the petitioner to remain physically present before the court below on each and every date till disposal of the case and in case of failure of two consecutive dates without giving any reasonable explanation the privilege of bail granted to the petitioner shall be deemed to be cancelled.

The petitioner attended the trial court from the year 2012 to 2015 but on 04.02.2015, petitioner failed to make pairvi and again on 1305.2015, he failed to make pairvi, particularly in the circumstance when the attendance of two prosecution

witnesses was filed resulting cancellation of bail bonds of the petitioner on 13.05.2015. Petitioner surrendered before the trial court on 03.08.2015 and since then he is languishing in jail custody.

It would appear from the aforesaid facts that no reasonable opportunity was given to petitioner to explain his absence before cancellation of his bail bonds, particularly, in the circumstance when this Court had given direction to the trial court to give reasonable opportunity to accused to explain the circumstance in which he failed to appear before the court below.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Barun P.S.Case No. 202 of 2011.

(Hemant Kumar Srivastava, J)

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