

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3145 of 2016

Arising Out of PS.Case No. -5 Year- 1977 Thana -FATUHA District- PATNA

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1. Janardan Singh son of Late Kameshwar Singh, Resident of Village-
Allawalpur, P.S.- Gaurichak, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 04-02-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 24-10-2015 in a case
registered under Sections-302 & other minor Sections of the
Indian Penal Code.

Petitioner was granted bail sometime in they year,
1978 and the case was committed to the court of Sessions on 16-
07-1979. At the time of commitment, the petitioner was taken into
custody but learned Sessions Court released him on bail on 21-07-
1979. After that, the record was remained pending in the office of
learned Sessions Court, without allotting any Sessions Trial No.
and subsequently, on 22-05-1986, Sessions Trial No. was allotted
and process, including 82 & 83 of the Cr.P.C. were ordered to be



issued against the petitioner but it would appear from perusal of the impugned order that not a single process was ever served upon the petitioner. The court below declared the petitioner absconder and issued permanent warrant of arrest against him. Furthermore, it would appear that on the strength of permanent warrant of arrest issued against him, the petitioner was arrested by the police on 24-10-2015 and, thereafter, was remanded in this case.

Submission on behalf of the petitioner is that after commitment, not a single process was ever served upon the petitioner, who was in his job and was posted at Dhanbad. It is further submitted that when petitioner returned to his home after superannuation, he was arrested on the basis of permanent warrant of arrest, issued against him.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Fathua P.S. Case No. 05 of 1977 corresponding to Sessions Trial No. 443 of 1986 to the satisfaction of learned Additional Sessions Judge-II, Patna City subject to condition that the petitioner shall attend the trial court, in person, on each and every date for a period of one year or till conclusion of his trial,

whichever is earlier and if, he fails to do so on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

A.K.V./-

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