

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9506 of 2016

Arising Out of PS.Case No. -254 Year- 2005 Thana -MUFFASIL District- AURANGABAD

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Bihari Prasad Gupta @ Komred Bihari Jee Son of Late Saryu Prasad Gupta
Resident of Jani Bajar, P.S. Sasaram, District - Rohtas at present Village -
Shivganj, P.S. Madanpur, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Nazir Ansari (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in jail custody since
18.12.2015 in connection with Sessions Trial No. 243 of 2006,
arising out of Aurangabad (M) P.S. Case No. 254 2005 registered
for the offence punishable under Sections 307, 353 and other
allied sections of the Indian Penal Code, Sections 25(1-b)a, 26,
27and 35 of the Arms Act and Section 17 of the Criminal Law
Amendment Act.

Vide order dated 20.07.2016, a report was called for
from the Court of learned 1st Additional Sessions Judge,
Aurangabad as to on how many dates petitioner, who had misused
the privilege of bail, did not appear before the learned Court below

after grant of bail. In compliance of the order dated 20.07.2016, report dated 30.07.2016 contained in letter No. 165/2016 has come, which indicates that after bail was granted to the petitioner by this Court vide order dated 08.09.2006 passed in Cr. Misc. No. 10178 of 2006, he was released on bail on 20.09.2006. Thereafter, on 30.06.2006, 29.11.2006 and 29.12.2006, he was represented under Section 317 of the Cr.P.C. through his counsel. Due to his absence, his bail bond was cancelled on 18.01.2007 and he was declared absconder on 05.11.2015. Thereafter, in between 18.01.2007 and 05.11.2015 i.e. on 82 dates, petitioner did not appear and, as such, he misused the privilege of bail for nearly nine years.

In the aforesaid circumstances, privilege of bail cannot be granted at this stage. This application is, accordingly, rejected.

However, petitioner may renew his prayer for bail after six months.

(Nilu Agrawal, J.)

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