

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11605 of 2016

Arising Out of PS.Case No. -263 Year- 1998 Thana -JAHANABAD District- JEHANABAD

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1. Rakesh Kumar @ Dinesh Singh son of Shiv Deah Singh, resident of
Village- Anwan, P.S.- Kako, District- Jehanabad..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 29-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

Earlier the petitioner was on bail but after commitment of
the case he did not appear in the Sessions Court, resulting, vide
order dated 15.04.2015 he was declared absconder and on the
basis of permanent warrant of arrest he was arrested and has been
remanded in this case and is in custody since 29.10.2015.

Submission is that after commitment of the case no date
was given to the petitioner for his appearance and in spite of his
best efforts the case was not traced out, resulting, the petitioner did
not appear, the petitioner was in custody in another case at
Sherghatti and though production warrant was issued but he was
not produced, the petitioner has not delayed in appearing in the
court intentionally and as such he deserves sympathetic
consideration. From the report of learned trial court also it does

not reveal that against the petitioner there is any service report of summons or execution report. Charges have already been framed and petitioner undertakes not to misuse the privilege of bail in future.

Learned APP opposes the prayer of bail by submitting that the petitioner remained absent since long.

In the facts and circumstances stated above, considering the period of detention now, 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 Additional Sessions Judge I, Jehanabad in Sessions Trial No. 261 of 2008 / 127 of 2015 arising out of Jehanabad P.S. Case No. 263 of 1998, 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.

(Jitendra Mohan Sharma, J)

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