

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53610 of 2015

Arising Out of PS.Case No. -132 Year- 2002 Thana -KARPI District- JEHANABAD

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Shyama Singh @ Sama Singh, son of Mukhiya Singh @ Mukhi Singh
Yadav, Resident of Village-Newana, Police Station-Karpi, District-Arwal
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh
For the Opposite Party/s : Mr. J.N.Thakur(App)

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

3 15-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Karpi
P.S. Case No. 132 of 2002 registered for the offences punishable
under Sections 147, 148, 149, 458, 302 of the Indian Penal Code
and Section 27 of the Arms Act.

This is a case of misuse of privileges of bail. The
petitioner has been declared absconder by order dated 06.05.2009
and thereafter he was arrested on the strength of permanent
warrant of arrest and he is in custody since 23.06.2015.

Submission is that the petitioner is on bail before
commitment and at the time of commitment the petitioner was
not informed regarding particular date to appear and from the
Sessions Court though summons have been issued but on the



record there is no service report which is evident from the report dated on 8.12.2015 of the learned trial Judge. The petitioner has gone outside to earn his livelihood but regarding his appearance no summon and notice was ever served. The petitioner undertakes to co-operate with the trial by presenting himself physically as and when required by the trial court and as such he deserves sympathetic consideration to which learned A.P.P. fairly submits that from the report of learned trial judge it is apparent that on the record there is no service report and by committing court no particular date was given for appearance of the petitioner before Sessions Court.

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 Ad-hoc Additional District and Sessions Judge-I Jehanabad in connection with Session Trial No. 163 of 2004/186 of 2008 arising out of Karpi P.S. Case No. 132 of 2002, subject to the conditions that one of the bailors must be 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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