

Arising Out of PS.Case No. -82 Year- 1996 Thana -PUNPUN District- PATNA

.... Petitioner/s

1. The State of Bihar

Appearance :

For the Opposite Party/s : Mr. Sunil Kumar Panday (APP)

2 20-10-2016

and learned counsel for the State.

Learned counsel for the petitioner
submits that though the petitioner had filed a petition



under Section 317 of the Cr. P.C. for being exempted from personal appearance, learned Court below without taking into consideration of the same only because certain witnesses had appeared on the relevant date, has cancelled his bail bond and issued non-bailable warrant against him. It is further submitted that there was no consideration of his application under Section 317 Cr.P.C. and therefore, the impugned order is fit to be set aside.

Having heard learned counsel for the petitioner and learned counsel for the State and on consideration of the fact that the petitioner has been cooperating with the trial earlier and also undertakes that he shall be present on each and every date subsequent to the passing of this order, it would be appropriate in the interest of justice to permit the petitioner to appear in the court below on the next date. As such, the order impugned dated 21.05.2016 is set aside and the Court below is directed to permit the appearance of the petitioner in all future dates.

However, it is made clear that if the

petitioner abstains himself from the Court and hinders the process of the trial, the Court below will be at liberty to pass further orders in accordance with law.

(Anjana Mishra, J)

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