

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37040 of 2016

Arising Out of PS.Case No. -82 Year- 1999 Thana -AKBARPUR District- NAWADA

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1. Daso Manjhi Son of Pagal Manjhi, resident of Village- Fulma, P.S- Akbarpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 05-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner was earlier on bail but his bail bond was cancelled sometime in the year, 2003 and subsequently, on the basis of process, issued against the petitioner, he was arrested by the police and, was produced before the court below on 18-07-2016.

Submission on behalf of the petitioner is that after commitment, no process was ever served upon the petitioner and without getting any service report, his bail bond was cancelled but from perusal of Photostat copy of the order of the court below, the submission advanced on behalf of the petitioner appears to be incorrect because it has, specifically, been mentioned by the court below in the order dated 20-05-2003 that the process, issued against the petitioner and others had already been served upon

them. However, it is informed on behalf of petitioner that the informant and her husband have already died and the son of the informant has entered into compromise with the petitioner and others, which is evident from Annexure-4 to the petition.

No doubt, it is a case of long misuse of privilege of bail but from perusal of the formal FIR, I find that initially, the case was registered for the offence under Sections-448, 323, 324/34 of the Indian Penal Code and all the aforesaid sections are compoundable offences. However, it appears from the impugned order that the charge sheet was submitted under Section-307 of the Indian Penal Code and accordingly, the case was committed to the court of Sessions.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also keeping in mind that the parties have already settled their dispute amicably, 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 Akbarpur P.S. Case No. 82 of 1999 corresponding to Sessions Trial No. 184/2000-362/2016 to the satisfaction of Learned Additional District & Sessions Judge-V, Nawada.

(Hemant Kumar Srivastava, J)

A.K.V./-

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