

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30312 of 2016

Arising Out of PS.Case No. -146 Year- 2005 Thana -PIRPAINTI District- BHAGALPUR

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1. Dhanik Lal Ravidas @ Dhanik Lal Das @ Dhakuk Lal Ravidas Son of
Late Tekan Ravidas Resident of Mohalla- Salempur, P.S.- Pirpainty,
District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 04.08.2016

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner was made accused in a case registered under section 379 of the Indian Penal Code and when he was put on trial in the year 2007, prosecution witness filed his attendance and his examination-in-chief was recorded, petitioner made himself absent resulting cancellation of his bail bond. Moreover, subsequently, on 11.5.2016 petitioner surrendered before the court below and as such petitioner misused the privilege of bail for near about nine years.

Submission on behalf of the petitioner is that petitioner is a poor man and, as a matter of fact, he entrusted his pairvi to his advocate's clerk and went outside the State in connection with his livelihood but his advocate's clerk failed to make proper pairvi resulting cancellation of bail bond of the petitioner. It is further

submitted that when the petitioner got information regarding cancellation of his bail bond, he immediately surrendered before the learned trial court and moreover, petitioner has sufficiently been punished by remaining in jail custody for near about two months.

Considering the above stated facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Bhagalpur in Pirpainty P.S. Case no. 146/2005 subject to the condition that petitioner shall attend the learned trial court in person on each and every date for the period of four months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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