

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41711 of 2016

Arising Out of PS.Case No. -67 Year- 2005 Thana -DELHA District- GAYA

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Vakil Paswan S/O Kapil Paswan @ Ram Briksh Paswan, resident of
Mohalla- Dhaniya Bagaicha Morsilingh Yard, P.S. Delha, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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

ORAL ORDER

2 05-10-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

This is the case of misuse of privilege of bail. The bail
bond of the petitioner was cancelled on 18.06.2013 as on that date
the petitioner was not physically present before the court but the
accused-petitioner did not turn up before the court and in the
meantime the process under sections 82 and 83 of the Cr.P.C. was
issued, resulting on 19.05.2015 the petitioner was declared
absconder and permanent warrant of arrest was issued against the
petitioner and on the basis of the permanent warrant of arrest the
police arrested the petitioner on 01.12.2015 and since then he is in
judicial custody.

Submission is that due to bonafide mistake the bail

bond of the petitioner was cancelled as he was not physically present in the court on that date and thereafter the petitioner went outside to earn his livelihood but the pairvikar did not inform the petitioner regarding cancellation of his bail, the petitioner by remaining in custody since 01.12.2015 has been sufficiently penalized and he undertakes not to misuse the privilege of bail in future.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has misused the privilege of bail

In the facts and circumstances as stated above, considering detention of the petitioner, now the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-1, Gaya in Sessions Trial No. 23 of 2016 arising out of Delha P.S. Case No. 67 of 2005, 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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