

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38034 of 2016

Arising Out of PS.Case No. -56 Year- 1993 Thana -LAKHISARAI District- LAKHISARAI

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Surendra Mahton @ Subhindra Mahton, S/o - Sri Sukhdeo Mahton, resident
of Village - Dogai, Police Station, District - Lakhisarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Opposite Party : Mr. Sri Anil Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-09-2016

Heard learned counsel for the petitioner and the
learned counsel representing the State.

The petitioner seeks bail in connection with
Lakhisarai P.S Case No. 56 of 1993 (S. Tr. No. 17A of 1994)
registered for the offence punishable under Section 302/34 of the
Indian Penal Code.

This is a case of misuse of privilege of bail. The bail
bond of the petitioner was cancelled on 14.10.2009 in the Court of
F.T.C.- III, Sheikhpura, due to mistake, the record was transferred
from Munger to Sheikhpura, though it ought to be transferred in
the Court of Additional Sessions Judge, Lakhisarai and thereafter
on 29.12.2010 F.T.C.-III, Lakhisarai declared the petitioner
absconder.

Submission is that the petitioner was in search of

record, which was traceless and as such his bail bond was cancelled, there was no laches on behalf of the petitioner, the petitioner is in custody since 22.08.2015 and, as such, he has sufficiently been penalized.

The learned A.P.P. fairly submits that from perusal of the impugned order it reveals that the record was transferred to the Court of Sheikhpura.

In the facts and circumstances stated above, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.D.J.-III, Lakhisarai, arising out of Lakhisarai P.S Case No. 56 of 1993 (S. Tr. No. 17A of 1994), 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.)

Rajiv/-

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