

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42011 of 2016

Arising Out of PS.Case No. -144 Year- 2004 Thana -ARA NAGAR District- BHOJPUR

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Ajay Kumar Sharma @ Bakhora Sharma @ Ajay Kumar, s/o- Bishram Singh, R/o- Khupri, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party : Mr. Sri Dilip Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Ara Nagar P.S. case no. 144 of 2004 registered for the offence punishable under Sections 25(1-B)A, 26, 35 of Arms Act.

This is a case of misuse of privilege of bail. The bail petition of the petitioner was cancelled on 08.01.2009 in this case as, on that date, two prosecution witnesses were in attendance and on behalf of the petitioner, petition under Section 317 of the Code of Criminal Procedure was filed but the learned Advocate did not appear in the court resulting, petition under Section 317 of the Code of Criminal Procedure was rejected and bail bond was cancelled and further non-bailable warrant of arrest was issued. The petitioner was apprehended and is in custody since

18.07.2016.

Submission is that it was the fault of the learned counsel for the petitioner who did not appear in the Court and further, the petitioner was not informed regarding cancellation of the bail bond, the petitioner had gone outside to earn his livelihood and he is in custody since 18.07.2016, he undertakes not to misuse the privilege of bail in future.

The learned A.P.P. opposes the prayer of bail by submitting that two witnesses were not examined due to fault of the petitioner and thereafter, the petitioner remained absconding since long.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected. Learned Trial Court is directed to expedite the trial and to conclude the same preferably within four months, after commencing the same on day to day basis, on receipt/ production of a copy of this order failing which the petitioner, if at no fault, may renew his prayer for bail.

(Jitendra Mohan Sharma, J.)

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