

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51267 of 2016

Arising Out of PS.Case No. -140 Year- 1994 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Md. Mustaquim Son of Late Shaukat Ali Resident of Mohalla-Ujjaintola,
P.S.-Bettiah Town, Bettiah, District-West Champaran Pin Code-845438
(Bihar) Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Quamar Raza, Advocate

For the Opposite Party/s : Mr. Dr. Indiwari Kumari

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

ORAL ORDER

3 15-12-2016 Heard learned Sr. Counsel for the petitioner and
learned counsel representing the State.

The petitioner was on bail but after submission of chargesheet, as submitted, no summon or process was served upon the petitioner, resulting, he did not appear in this case earlier and it is a case of first appearance. The petitioner is in custody since 20.10.2016 after his surrender. He is suffering from several ailments and without help he cannot move, jail life may prove fatal, he has received brain hemorrhage also, he is a paralytic patient also and as such he deserves sympathetic consideration.

Learned APP submits that the petitioner has misused the privilege of bail for 22 years and he has been declared absconder.

In the facts and circumstances stated above,



considering the medical prescription of the petitioner and further as submitted that after cognizance no summon or process was ever served upon him, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI, West Camparan at Bettiah in connection with Bettiah Town P.S. Case No. 140 of 1994 / TR No. 1674 of 2016, 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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