

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42496 of 2016

Arising Out of PS.Case No. -88 Year- 1999 Thana -KHAGARIA District- KHAGARIA

1. Saheb Choudhary, son of Late Madan Chaudhary, resident of Villlage-Jhamta, P.S.- Khagaria (Muffasil), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 05.10.2016

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

From perusal of the first information report, it would appear that the petitioner was made accused in a case which was lodged in the year 1999 and subsequently, he was granted bail but when his trial was pending in sessions court, he misused his privilege of bail resulting cancellation of bail bond on 3.12.2004. However, petitioner could be remanded in this case on 22.4.2016 i.e. after 12 years from the date of cancellation of bail bond. It would also appear from perusal of the impugned order that the charge against the petitioner was framed on 6.8.2016 but up till now, not a single prosecution witness could be examined.

It is pertinent to note here that present case was lodged in the year 1999 and the petitioner attended the court till 2004 and between the aforesaid period, his case could not be disposed of.

Moreover, submission on behalf of the petitioner is that the petitioner being poor person waited for disposal of his case and lastly, he left the State in connection with his livelihood entrusting pairvi of the aforesaid case to his advocate's clerk who did not make proper pairvi resulting cancellation of bail bond.

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. Sessions Judge IV, Begusarai in Sessions Trial no. 13A/2014 arising out of Khagaria P.S. Case no. 88/1999 subject to the conditions that one of the sureties must be family member of the petitioner who shall file an affidavit before the trial court giving detail as to how he is related with the petitioner and furthermore, petitioner shall attend the learned trial court in person on each and every date for the period of nine months or till conclusion of his trial whichever is earlier and if he fails to do so on three 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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