

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47891 of 2016

Arising Out of PS.Case No. -59 Year- 1992 Thana -AKBARPUR District- NAWADA

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1. Bhola Kahar Son of Hira Kahar Resident of Village- Alakhdiha, P.S. Akbarpur, Distt Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 11-11-2016

Heard both sides.

The petitioner is accused of Akbarpur P.S. case no. 59 of 1992, registered under Sections 324, 307/34 of the IPC and Section ¼ of the Explosive Substance Act.

His bail has been cancelled on account of misuse of the privilege of bail. On perusal of the records, it appears the petitioner absconded for ten years and ultimately he was arrested on 13.08.2016 and since then he is languishing in custody.

It is stated that the trial has not recorded sufficient progress.

Learned APP for the State, on the other hand submits that the petitioner has contributed in delaying the trial.

Considering the fact that the petitioner has misused the privilege of bail for a pretty long time, this Court, while declining the prayer for bail, disposes of the application by the following order:-

Let the trial court endeavour to examine all prosecution witnesses within 05 months from the date of receipt/production of a copy of this order, failing which the petitioner, named above shall 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 learned A.D.J. Ist Nawada, in connection with Sessions Trial No. 242 of 1995/75/2014, arising out of Akbarpur P.S. case no. 59 of 1992, subject to the following conditions:-

- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) In the event of grant of bail the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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