

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40298 of 2016

Arising Out of PS.Case No. -6 Year- 1979 Thana -PATORI District- SAMASTIPUR

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1. Suresh Singh son of Late Ram Swarup Singh Resident of Village-Dumri,
P.S.-Pattori, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 27.09.2016

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

It is case of misuse of privilege of bail and it appears from
perusal of the impugned order that bail bond of the petitioner was
cancelled on 4.5.2015 but subsequently, he surrendered before the
court below on 9.6.2016 and since then he is languishing in jail
custody.

No doubt, earlier bail bond of the petitioner was cancelled
by the trial court due to non-cooperation in the trial but it appears
from the record that Sessions Trial no. 79/1984 arising out of Shahpur
Patori P.S. Case no. 06/1979 is pending in the trial court since long
and furthermore, it is obvious from perusal of the record that charge
against the petitioner was framed in the year 1986.

It is a matter of great surprise that in spite of pendency of
the aforesaid case since long, trial court could not succeed to dispose

of the aforesaid session trial.

However, I also find from the record that original FIR of the aforesaid case is missing from the original record and a direction has already been given to learned Sessions Judge for needful.

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 II, Samastipur in Sessions Trial no. 79/1984 arising out of Shahpur Patori P.S. Case no. 06/1979 subject to the condition that petitioner shall attend the learned trial court in person on each and every date for the period of six months or till conclusion of his trial whichever is earlier and if he fails to do so on two 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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