

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38053 of 2015

Arising Out of PS.Case No. -359 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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Brajesh Kumar S/o Sri Suresh Singh @ Suresh Prasad, R/o Village-
Hathiyara, P.S.- Deokund, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. Maya Kumari D/O Late Arjun Prasad, R/o Village- Kamalpur, P.S.-
Bekaganj, District- Gaya at present residing at Niwas Nand Lal Gali, Chhoti
Nawada, P.S.- Delha, District- Gaya

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rikesh Sinha,
Mr. Rakesh Kumar, Advocates
For the Opposite Parties : Dr. Mayanand Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 15-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is aggrieved by the order dated
17.06.2015 passed by the learned Judicial Magistrate Ist Class,
Gaya in Misc. Case No. 225 of 2014 / C.R. No. 359 of 2014 by
which while rejecting the application filed under Section 317 of
the Code of Criminal Procedure for dispensing his personal
attendance, the learned Magistrate has cancelled his bail bond.

It is submitted that the petitioner is facing prosecution
inter alia for an offence punishable under Section 498-A of I.P.C.
On 17.06.2015, the case was fixed for evidence before charge. As

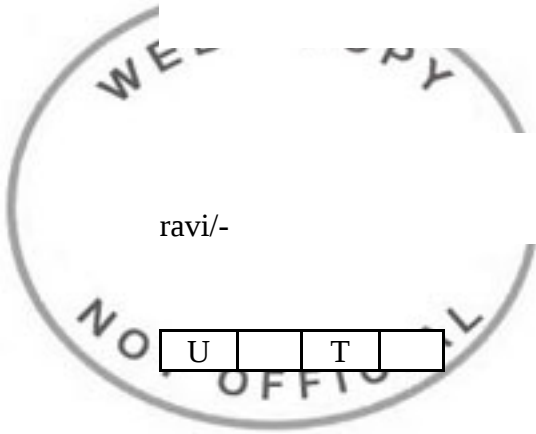


the petitioner was indisposed, he could not appear before the Court in person. However, an application under Section 317 of the Code of Criminal Procedure was filed for dispensing him from his personal attendance, but the learned Magistrate, taking into consideration an application filed on behalf of the complainant that the petitioner has married another lady, not only rejected the application, but also cancelled his bail bonds. It is further submitted that the petitioner is willing to appear before the Court and contest the matter. However for his absence on one day due to unavoidable and compelling reasons, his bail bond has been cancelled.

Learned counsel for the State has opposed the application and submits that from perusal of the impugned order it would appear that on earlier occasion also the petitioner had not appeared and on his behalf, an application was filed under section 317 of the Code of Criminal procedure.

Be that as it may, taking into consideration the facts and circumstances of the case, I dispose of the application with a direction that in case the petitioner appears before the Court of Magistrate on or before 1st August 2016, he shall be released on bail on furnishing bail bonds and sureties to the satisfaction of the Magistrate concerned. In case he fails to appear within the

stipulated period mentioned herein above, the Magistrate shall
take all coercive steps to ensure his appearance before the Court.



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(Ashwani Kumar Singh, J)