

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46023 of 2015

Arising Out of PS.Case No. -31 Year- 2002 Thana -GURUA District- GAYA

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Ajay Yadav, Son of Jagdeo Yadav, Resident of village- Gohti, P.S.-
Magadh University Bodh Gaya, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Rajendra Singh Shastri (App)

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

3 08-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in Gurua P.S. Case No. 31 of
2002 registered for the offence punishable under Section 392 of the
Indian Penal Code.

The petitioner was on bail, but his bail bond was cancelled
on 07.10.2005 as on that he did not appear in the Court and thereafter
he has been declared absconder on 15.11.2011 and on the strength of
permanent Warrant of Arrest he was arrested and he is in custody since
10.06.2015.

Submission is that the petitioner had gone outside the
State to earn his livelihood, but his Pairvikar left the pairvi and did not
inform the petitioner and when the petitioner came to attend Saradh
ceremony of his Gotiya, he was apprehended resulting he is suffering in

custody since 10.06.2015 and has been sufficiently penalized. He undertakes to remain present on each and every date and will not misuse the privilege of bail in future. Up till now, the charge has not been framed and the case is pending for framing of charge, which is evident from the report dated 15.10.2015.

The learned A.P.P. submits that the petitioner has misused the privilege of bail since long.

In the facts and circumstances stated above, 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 Sri Rajesh Prasad, Judicial Magistrate 1st Class Sherghati at Gaya in connection with Gurua P.S. Case No. 31 of 2002, subject to the conditions that one of the bailors must be 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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