

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34360 of 2016

Arising Out of PS.Case No. -37 Year- 1994 Thana -AMAUR District- PURNIA

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Shamsul Son of Late Jamaluddin Resident of Village Mahesh Bathnaha,
P.S Amour, District Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/s Kamal Kishore Jha,
Diwakar Sinha, Advocates

For the State : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 16-09-2016

I have heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in a case registered
for offences punishable under Sections 306 of the Indian Penal
Code.

It is submitted on behalf of the petitioner that final
form was submitted by the police exonerating the petitioner on
11.10.1994, therefore, the petitioner was not apprehending arrest.
However, after about 19 years cognizance was taken by the court
below on 23.1.2013 and non-bailable warrant of arrest was
directed to be issued. However, it is contended that office could
not take steps, thus, again order was passed on 12.7.2013 for

issuance of non-bailable warrant of arrest. The office did not take any step for issuance of warrant then, on 17.9.2015, again a direction was given to the office to comply the order immediately. Then it could be issued on 25.1.2016. In support of his submission learned counsel for the petitioner produced a Xerox copy of the certified copy of the order-sheet. Let the same be kept on record.

It is urged on behalf of petitioner that in such circumstances he could file anticipatory bail application before the Sessions Judge after the police approached the petitioner's house in his absence. It is contended that cognizance has been taken against the petitioner after about 19 years of submission of final report by the police exonerating him.

Having regard to the facts and circumstances, let the above named petitioner be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Amour P.S. Case No. 37 of 1994, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri Mithilesh Kumar, Judicial Magistrate 1st Class, Purnea subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

Further, the petitioner shall remain present on each and

every date during the course of trial. If the petitioner fails to remain present on two consecutive dates without any reasonable explanation then the court concerned would be at liberty to take steps for cancellation of bail bonds of the petitioner.

(Dr. Ravi Ranjan, J)

Spd/-

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