

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15452 of 2017

Arising Out of PS.Case No. -254 Year- 2005 Thana -MUFFASIL District- AURANGABAD

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Bihari Prasad Gupta @ Komred Bihari Jee son of Late Saryu Prasad Gupta
Resident of Jani Bajar, P.S. Sasaram, District Rohtas at Present Village-
Shivganj, P.S.-Madanpur, District-Aurangabad,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.12.2015 in connection with Sessions Trial No. 243 of 2006/ 25
of 2015 arising out of Aurangabad (M) P.S. Case No. 254 of 2005
registered for the offences punishable under Sections 147, 148,
149, 307, 353 of the Indian Penal Code and Sections 25(1-b)a, 26,
27 and 35 of the Arms Act and under Section 17 of the C.L.A.
Act.

From the report of the learned 1st Additional Sessions
Judge, Aurangabad dated 08.09.2006, it is evident that earlier the
petitioner was granted bail, but he misused the privilege of bail
and was declared an absconder on 05.11.2015. He did not appear
on 82 dates between 18.01.2007 and 05.11.2015 and misused the



privilege of bail for nearly nine years. The petitioner had moved this Court for grant of bail in Cr. Misc. No. 9506 of 2016, which was rejected by order dated 17.08.2016 with an observation that he may renew his prayer for bail after six months.

It has been submitted by the counsel for the petitioner that he undertakes to appear in trial on each and every date and will not misuse the privilege of bail in future.

Under such circumstances, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Aurangabad in connection with Sessions Trial No. 243 of 2006/ 25 of 2015 arising out of Aurangabad (M) P.S. Case No. 254 of 2005, subject to the condition that one of the bailors must be a close relative of the petitioner and the other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station/ Court and will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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