

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13293 of 2017

Arising Out of PS.Case No. -365 Year- 2008 Thana -KISHANGANJ District- KISANGANJ

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Md. Nazim son of Late Hulasu @ Md. Sultan, resident of Dharamganj Miya Basti, Police Station- Kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 30-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Kishanganj P.S. Case No.365 of 2008 registered under Sections 328 and 302 of the Indian Penal Code. The prayer for bail of the petitioner was allowed by this Court vide order dated 30.11.2011 passed in Cr. Misc. No.39833 of 2011.

It would be evident from the order-sheet of the court below that at the stage of framing of charge the petitioner absented him on certain occasions on the ground of illness as a result of which the trial court cancelled his bail bond by order dated 01.12.2016. It would further be evident that the petitioner voluntarily surrendered before the court on 31.01.2017 and



thereafter, charges were framed against him on 18.02.2017.

It is submitted by the learned counsel for the petitioner that there was no deliberate laches on the part of the petitioner rather he could not attend the court on certain dates as he was suffering from serious ailment. He submitted that representations under Section 317 of the Code of Criminal Procedure were filed on those dates for dispensing with his personal attendance. He submitted that the petitioner undertakes to appear before the court regularly in future and not misuse the privilege of bail.

Learned counsel for the State does not seriously oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, the petitioner, namely, Md. Nazim is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Kishanganj, in connection with Sessions Trial No.1167 of 2011.

(Ashwani Kumar Singh, J)

Md.S./-

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