

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6609 of 2017

Arising Out of PS.Case No. -87 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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Babulal Sah @ Lal Babu Sah Son of Bhikhari Sah, Resident of Village Singhiawan, Police Station- Kishanpur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-02-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with S.T. No. 66/16/58/16, arising out of Kishanpur P.S. Case No. 87/15 registered for the offences punishable under sections 302, 328 and 201/34 of the Indian Penal Code.

This is a case of misuse of privilege of bail. The bail bond of the petitioner was cancelled on 24.10.2016, as on that day till 1:00 P.M., pairvi was not done on behalf of the petitioner and the prosecution witness was in attendance. The petitioner surrendered on 29.11.2016, but he was refused bail.

Submission is of false implication and that due to confusion in the date, pairvi was not done and on that account, the



order was passed to issue non-bailable warrant and thereafter, the counsel for the petitioner came to know that an application has been filed under section 317 Cr.P.C. at 1:35 P.M, but till then the bail bond has already been cancelled and as such, the petitioner deserves sympathetic consideration and he undertakes to remain vigilant in future.

The learned A.P.P. fairly submits that this is a case of misuse of privilege of bail of one day.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Supaul in connection with S.T. No. 66/16/58/16, arising out of Kishanpur P.S. Case No. 87/15, subject to the conditions that one of the bailors must be a 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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