

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28047 of 2017

Arising Out of PS.Case No. -81 Year- 2000 Thana -MANIGACHI District- DARBHANGA

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Bhogendra Yadav son of Sri Mahanth Yadav resident of Village : Kayast
Kabai, Police Station Manigachi, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Barun Kumar Choudhary and
Mr. Dipak Kumari &
Ms. Kshem.Sharma Advocates.

For the Opposite Party/s : Mr. Ramchandra Sahani, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-07-2017 Heard Sri Barun Kumar Choudhary, learned counsel

for the petitioner, and Sri Ramchandra Sahani, learned A.P.P. for

the State.

The petitioner in the present case is seeking regular
bail in connection with Manigachi P.S. Case No. 81/2000
registered for offences punishable under Sections 406 and 420 of
the Indian Penal Code.

Learned counsel for the petitioner submits that earlier
the petitioner was granted privilege of bail vide order dated
03.11.2009 passed by a co-ordinate bench of this Court in Cr.
Misc. No. 37209/2009. The bail was granted subject to the
conditions *inter alia* that the petitioner will be represented on each
date and if fails to do so on two consecutive dates, his bail will be



liable to be cancelled. Learned counsel submits that the petitioner is in fact a daily wager and he works under a contractor outside his native place. It is also submitted that the wife of the petitioner is ill and for the purpose of her treatment also he needs to work outside. According to him, Pairvi of the case was entrusted to Karpardaz in the Civil Court, who left the Pairvi of the petitioner, as a result the bail bond of the petitioner was cancelled on 11.12.2013. The petitioner had no knowledge of the cancellation of bail and since he got information in this regard he himself surrendered on 27.03.2017. He undertakes that henceforth he will take care that a representation is duly filed on the dates fixed in the matter if his personal physical presence is not possible for legal and valid reasons.

In the facts and circumstances considering that the petitioner is a daily wager and is already in custody since 27.03.2017, let the petitioner, namely, Bhogendra Yadav, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Manigachi P.S. Case No. 0081/2000, subject to the conditions that henceforth he will be represented on each date by a counsel duly appointed by him and whenever his physical



appearance is required for the progress of the trial he would be physically present as per the direction of the trial court. In case he fails to be physically present despite order of the court below or is not represented on two consecutive dates, the bail bond shall stand cancelled.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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