IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54478 of 2017

Arising Out of PS.Case No. -43 Year- 1992 Thana -MEHANDIA District- JEHANABAD

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Fakira Dom, Son of Late Gorakh Dom, resident of Village- Parasi, P.S. Parasi, District- Arwal.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:
For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Zainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Session Trial No. 390 of 2010 / 150 of 2016 arising out of Mehandia P.S. Case No. 43 of 1992 registered under Section 395 of the Indian Penal Code.

It is a case of misuse of privilege of bail.

It is submitted by learned counsel for the petitioner that the petitioner was earlier on bail, but as the petitioner happens to be illiterate person and there was no progress in the trial, he could not appear in the court below and do the necessary pairvi in the case. Accordingly, his bail bond was cancelled. He has been languishing in custody since 27.09.2016. He has not committed any misuse of bail knowingly and deliberately and has been sufficiently punished for his default. The petitioner undertakes to

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remain present in the court below on each and every date fixed without fail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Jehanabad in connection with Session Trial No. 390 of 2010 / 150 of 2016 arising out of Mehandia P.S. Case No. 43 of 1992 with the condition that the petitioner shall remain present before the court below in person on each and every date fixed and in case of his failure to appear on two consecutive dates, his bail bond shall stand cancelled.

(Prakash Chandra Jaiswal, J)

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