

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15336 of 2017

Arising Out of PS.Case No. -4 Year- 2012 Thana -ALAMGANJ District- PATNA

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Tanvir Alam Son of Alamgir, Resident of Gulsan Haidar, Noon Ka Chaurha, P.S.- Khajekala, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 29-03-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner seeks bail in Alamganj P.S. Case No.04 of 2012 registered under Sections 353/307/34 of the I.P.C. and Sections 25(1-B)/A/26/27/35 of the Arms Act.

Allegation is that it is a case of misuse of privilege of bail. Petitioner was granted bail by this Court vide order dated 4.10.2012 passed in 33293 of 2012 with a direction to be physically present before the court below on each and every date till disposal of the case. In case of failure appearance on two consecutive dates his bail will be liable to be cancelled. Petitioner thereafter did not appear physically, and, accordingly, his bail bond was cancelled on 16.01.2013.



Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner had no knowledge to appear on each and every date before trial court. Moreover, the case is at the appearance stage of the accused persons.

Considering that it is a case of misuse of privilege of bail for three years, at this stage prayer for bail of the petitioner is rejected.

However, petitioner may renew his prayer for bail after framing of charge or after three months, which ever is earlier.

(Arun Kumar, J)

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