

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1641 of 2017

Arising Out of PS.Case No. -97 Year- 1996 Thana -KUMARGHAND District- MADHEPURA

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1. Ramesh Jha Son of Late Raghunath Jha, Resident of Village- Sihpur,
P.S.- Kumarkhand, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-07-2017 The appellant seeks regular bail in connection with

Kumarkhand P.S.Case No.97 of 1996), registered for offences

punishable under Section 419, 420, 323 & 504 of the Indian Penal

Code and Section 3(iv)(x) (xi) of SC/ST (POA) Act.

This is a case of misuse of privilege of bail.

Submission of the learned counsel of the appellant is that

the appellant is aged about 80 years and he is suffering from

several diseases, as such he could not make '*pairvi*' in this case,

hence, he was declared absconder in this case. The appellant is in

custody since 18.3.2017.

Heard learned Special P.P.

Having heard both sides, no doubt there is misuse of

privilege of bail for five years, however, considering age of the

appellant, this appeal is allowed and the learned Special Judge is

directed to release him on bail on furnishing bail bond of Rs.



25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of Special Judge, S.C./S.T. Act, -cum- Addl. Sessions Judge-1, Madhepura in connection with G.R.Case No.775 of 1996 (arising out of Kumarkhand P.S.Case No.97 of 1996), after setting aside order dated 18.3.2017 passed by Sri Mithilesh Kumar Dwivedi, Special Judge S.C./S.T. Act-cum- Addl. Sessions Judge, 1st, Madhepura in G.R.Case No.775 of 1996 (arising out of Kumarkhand P.S.Case No.97 of 1996), subject to the following conditions:-

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants shall cooperate in the disposal of trial and he will appear in the court on each and every date except showing some genuine reason and with the permission, otherwise, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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