

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21858 of 2017

Arising Out of PS.Case No. -543 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Hassan Mahmood, S/o Dr. Mahmood Alam, resident of Khanka Baragahi
Ishaque, Takiya Sharif, Mittan Ghat, Patna City, P.S.- Khaje Kalan,
District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Sri Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and
learned counsel for the State.

It is submitted by the learned counsel for the
petitioner that while granting provisional anticipatory bail to the
petitioner, learned 6th Additional District and Sessions Judge,
Nalanda, Bihar Sharif has put onerous condition which is
contrary to the ratio laid down by this court in ***Rajesh Biyani vs.***
State of Bihar & Anr.[Cr. Misc. No. 28161 of 2015].

I find substance in the submission of learned
counsel for the petitioner. The courts have always deprecated
the practice of imposing onerous condition for grant of bail to



an accused in a criminal case.

In that view of the matter, the order dated 09.02.2017 passed in A.B.P. No. 1379 of 2016 is set aside. The matter is remanded back to the learned 6th Additional District and Sessions Judge, Nalanda, Bihar Sharif to hear the case on merits and pass order in accordance with law. The learned Additional Sessions Judge shall hear the parties afresh in A.B.P. No. 1379 of 2016 and decide the application of the petitioner as early as possible, preferably within a period of four weeks from the date of receipt/production of a copy of this order.

It is made clear that this Court has not expressed any opinion on the merits of the case.

(Ashwani Kumar Singh, J.)

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