IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5720 of 2017

Arising Out of PS.Case No. -77 Year- 2002 Thana -CHANDAUTI District- GAYA

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Mithilesh Yadav, Son of Birju Yadav, Resident of Village-Ghasi Bigha @ Ghosi Tola, P.S. Belaganj, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Lilawati Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-03-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 18.11.2016 in connection with Chandauti P.S. Case No. 77/02 for offences punishable under Section 379 of the Indian Penal Code and Section 40 of the Bihar Minor Mineral Concession Rules.

The prosecution case is that on 06.06.2002 the Mining Inspector found three trucks, petitioner was the driver of one of the trucks, who could not produce any paper regarding the stones being carried on it.

This is a case of misuse of privilege of bail as the petitioner was granted bail by the learned court below itself, but since the petitioner did not appear before the learned court below

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nor any pairvi was made on his behalf, his bail bond was cancelled on 15.04.2005 and the petitioner was declared absconder and his trial was split up, as is evident from the report of the learned court below, which was sought by this Court by earlier order. When warrant was issued, the petitioner surrendered in the court below.

It has been submitted by the learned counsel for the petitioner that he is the poor labourer and had gone to Ludhiana for earning his livelihood on the assurance of his lawyer, but pairvi was not made by his lawyer and no information was given to him. As soon as he received information, he voluntarily surrendered in the court below. It is further submitted that the petitioner has no criminal antecedent and will cooperate with the trial.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let petitioner, above named, 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 Sri Rohit Kumar, learned Judicial Magistrate 1st Class, Gaya, in connection with Tr. No. 324/2010/ 111/2015, arising out of Chandauti P.S. Case No. 77/02, subject to the condition that the petitioner will

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appear before the learned court below on each and every date and cooperate with the trial and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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