

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56843 of 2017

Arising Out of PS.Case No. -106 Year- 2006 Thana -BAHADURPUR District- DARBHANGA

=====

Md. Nadeem Iqbal @ Nadeem Iqwal @ Arman son of Mustaque, resident of
village- Rasulpur Khurd, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. D.K.Sinha, Sr. Advocate
: Mr. Girish Chandra Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-07-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner challenging the order dated 28.08.2017 passed in Bahadurpur P.S. Case No.106 of 2006 by the learned Sub Divisional Judicial Magistrate, Darbhanga whereby the application filed by the petitioner under Section 317 of the Cr.P.C. for dispensing with his personal attendance has been dismissed.

2. I have heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner is facing prosecution in a case *inter alia* under Section 302 of the Indian Penal Code. The case is of the year 2006. Till date, charges have not been framed. On 28.08.2017, an application was filed on behalf of the petitioner that he is ill and, thus,



he should be allowed to be represented through counsel. The application was not supported with any medical certificate or prescription. When the case was called out, even the lawyer was not present and, thus, the petition was rejected.

4. It has been contended by the learned counsel for the petitioner that the petitioner is ready to appear before the court. Only because the petitioner failed to appear in person on one day, his bail bond should not have been cancelled by the court below.

5. In my opinion, if an application under Section 317 of the Cr.P.C. was filed for dispensing with personal attendance of the accused and the same was not pressed and no corroborative document was filed in order to support reason given for non-appearance no fault can be found with the order impugned whereby the application for dispensing with personal attendance was rejected and bail bond was cancelled.

6. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.08.2018
Transmission Date	01.08.2018

