

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70273 of 2018

Arising Out of PS. Case No.-126 Year-1993 Thana- PALIGANJ District- Patna

Buta Mochi son of Sahdeo Mochi, resident of Village-Mankurha, P.S.
Paliganj, District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-12-2018

Heard learned counsel for the parties.

The petitioner seeks bail in S.Tr. No. 492 (A)/95 arising out of Paliganj P.S. Case No. 126/1993, registered under Sections 147, 148, 149 and 302 of the Indian Penal Code and section 27 of the Arms Act.

The petitioner was earlier granted bail by the court below.

It is stated that the case was committed to the court of sessions on 09.08.1995 and, in absence of any notice to the petitioner, he failed to appear before the court below leading to cancellation of his bail. He has been declared absconder. Subsequently, he has been arrested on 21.03.2018. Since then, he is in custody.



Learned counsel, appearing on behalf of the petitioner, contends that since for years together after 1995, the petitioner did not receive any information from his lawyer or any notice from the court, he became slightly complacent in pursuing his case before the court below and failed to appear, leading to his declaration as an absconder. He contends that the petitioner shall henceforth present himself before the trial court, as and when required.

Considering the facts that the petitioner was earlier granted bail, upon considering the merit of the case and there is undertaking on his behalf that henceforth the petitioner shall not absent himself from the court proceeding, this application is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ADJ-II, Danapur in S.Tr. No. 492 (A)/1995 arising out of Paliganj P.S. Case No. 126/1993.

(Chakradhari Sharan Singh, J)

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