

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64885 of 2018

Arising Out of PS.Case No. -385 Year- 2017 Thana -ARA NAWADA District- BHOJPUR

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1. Lallan Prasad Singh, Son of Late Ramchhapit Singh, Resident of
Village- Jogta, Police Station- Chandi, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raushan Kumar Sharma, Son of Dharam Nath Sharma, Resident of
Village- Uta, Police Station- Chatra, District- Chatra (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.
Mr. Sharwan Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP 211

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 31-10-2018 Learned counsel for the petitioner has informed this Court that despite there being a categorical order, the accused who was released vide order dated 14.06.2018 passed in Cr. Misc. No. 32736 of 2018 has not deposited Rs.40,000/- within a period of 15 days from the date of his release on bail. Learned counsel submits that when the attention of the learned Chief Judicial Magistrate, Bhojpur at Ara was drawn towards violation of the condition prescribed in the order dated 14.06.2018 passed by this Court and a request was made to cancel the bail bond of the accused concerned, the prayer of the petitioner has been refused by the learned Chief Judicial Magistrate saying that there is no direction



of the Hon'ble High Court that in case of the non-compliance of the condition his bail bond will be cancelled.

No one appears for the State.

In the given facts and circumstances of the case, this Court finds that the learned Chief Judicial Magistrate, Bhojpur at Ara has completely failed to apply his judicious mind in this case. While granting regular bail to the accused in Cr. Misc. No. 32736 of 2018, it was made clear that the same was subject to further condition that within 15 days from the date of his release on bail the petitioner shall ensure transfer of Rs.40,000/- from his account to the account of the informant in terms of his own submission, therefore, if the said condition was not complied with by the accused after his release and the same was brought to the notice of the learned Chief Judicial Magistrate, Bhojpur at Ara, it was required to be considered and an appropriate order was to be passed. This Court does not appreciate this kind of observation that the informant should approach this Court for such purpose. It is the duty of the Court accepting the bail bond to see that the conditions on which the bail has been granted by this Court are duly abide by and complied with by the accused.

The order dated 27.07.2018 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara is, thus, not sustainable



and is hereby set-aside.

Let the application filed by the informant be considered by the learned Chief Judicial Magistrate, Bhojpur at Ara within a period of 30 days from the date of receipt/production of a copy of this order. Before passing a final order on the application of the informant, an opportunity of hearing shall be given to the accused.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha./-

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