

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1148 of 2018

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1. Shiv Kumar S/o Bal Kishun Yadav, R/o Mohalla- 185A, Poket-B, Mayor Vihar, Phase - II, P.S.- Kalyanpuri, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-11-2018 This revision application has been filed for setting aside the order dated 25.07.2018 passed by the learned Additional Sessions Judge –XI, Patna, in Special Case No. 52/2005, arising out of Kadam Kuan P.S. Case No. 795 of 2005, whereby and where under, learned Trial Court has rejected the petition of the petitioner filed under Section 317 of the Cr.P.C. and cancelled the bail bond of the petitioner with a direction to issue non-bailable warrant of arrest against the petitioner and to open a separate record.

It has been submitted by learned counsel for the petitioner that the petitioner has moved before this Court by filing quashing application being Cr. Misc. No. 49564/18 for quashing the order of rejection of discharge petition and the same was pending before this Court, as such under that impression he should not appear before the trial Court. However, if a chance is given to the



petitioner, he is ready to appear before the court below.

From perusal of the record, it appears that petitioner has been granted regular bail by the then coordinate Bench of this Court with observation that petitioner has to appear before the learned Trial Court and will remain present on the date fixed, when his physical appearance is required by the court and also on other dates. However, in the date fixed for framing of charge, petitioner did not appear and as such, his bail bond was cancelled. However, a submission has been put forth by learned counsel for the petitioner that as he has filed quashing application against the order rejecting the discharge petition, as such, he could not appear before the court below on the date fixed.

Considering the facts and circumstances of the case and also the submission of learned counsel for the petitioner, order dated 25.07.2018 passed by the learned Additional Sessions Judge –XI, Patna, in Special Case No. 52/2005, arising out of Kadam Kuan P.S. Case No. 795 of 2005 is set aside with a direction to the learned Trial Court to fix a date in the second week of December 2018 and the petitioner is directed to appear in person on that day, failing which, the bail bonds of the petitioner shall stand cancelled.

(Vinod Kumar Sinha, J)

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