

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38846 of 2018

Arising Out of PS.Case No. -62 Year- 1992 Thana -NIRMALI District- SUPAUL

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1. BHUNESHWAR RAM @ BHUNESH RAM @ BHUVNESHWAR
RAM son of Late Chhedi Ram, resident of Ward No. 4, Village- Kunauli,
P.S.- Kunauli, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Nirmali
(Kunauli) P.S. Case No. 62 of 1992 for offences punishable
under Sections 307/323/341 of the Indian Penal Code.

Earlier bail was granted to the petitioner in the year
1993 his bail bond was cancelled on 28.01.2010 and he has been
arrested and remanded in the present case on 03.04.2018 since
then the petitioner is languishing in judicial custody.

It has been submitted by the learned counsel for the



petitioner that the petitioner has no criminal antecedent and right from 1993 till 28.01.2010 he did Pairvi in his case but thereafter went to Delhi for earning his livelihood and the Pairvikar did not take proper steps. Hence, the bail bond was cancelled. He submits that he has already under gone custody since 03.04.2018 after cancellation of bail bond of the petitioner.

In this regard, a report was called for from the Additional Chief Judicial Magistrate, Birpur who has sent a report dated 23.07.2018 that in spite of repeated reminders to the Superintendent of Police case diary has not yet been received and the records of the case are not traceable.

However, learned APP for the State opposes the prayer for bail stating therein that it is a case of misuse of bail for eight years, two months and five days.

Considering the facts and circumstances and the 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 learned Additional Chief Judicial Magistrate, Birpur, District-Supaul in connection with Nirmali (Kunauli) P.S. Case No. 62



of 1992, subject to the condition that petitioner will appear before the learned court below during trial as and when required.

(Nilu Agrawal, J)

Devendra/Priyanka

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