

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20488 of 2019**

Arising Out of PS. Case No.-7 Year-2005 Thana- PHULPARAS District- Madhubani

Ganesh Yadav, Son of Bindeshwar Yadav, Resident of Village - Jahalipatti,
P.S.- Ghoghadih, District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh

For the Opposite Party/s : Mr.Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

This is an application for bail in a case of misuse.

Initially the case was registered for the offences punishable under Sections 25 1(A-B)/26(ii) of the Arms Act when the petitioner was granted bail vide order dated 16.06.2005 passed in Cr. Misc. No. 20470 of 2005. The petitioner's bail bond was cancelled on 21.12.2012 by learned Court below. The petitioner surrendered on 03.12.2018.

It is submitted by learned counsel for the petitioner that earlier the petitioner was granted bail and when he had gone outside of State to earn livelihood, consequently he could not appear but learned counsel for the petitioner undertakes that the petitioner will appear before the learned Court below regularly.



Learned APP submits that it is a case of misuse of bail for about six years.

From the impugned order it does not appear that the case was registered in 2005 and if the petitioner remained appearing till 2012 then what was the progress in the trial. The impugned order also does not suggest that there is any progress till date after surrender of the petitioner.

Apart from the above facts, keeping in view the present undertaking of the petitioner of appearing regularly coupled with the fact that he has remained in custody for more than three months, let the above named petitioner be released 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 Sessions Judge, Jhanjharpur, Madhubani in connection with Sessions Trial No. 41 of 2009/123 of 2014, arising out of Phulparas P.S. Case No. 007 of 2005.

(Dinesh Kumar Singh, J)

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