

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22228 of 2019

Arising Out of PS. Case No.-73 Year-1996 Thana- NAUBATPUR District- Patna

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BUDAL SINGH @ BIDAL SINGH @ SANJAY KUMAR, aged about 43 years, Male, Son of Chaneshwar Singh @ Chandeshwar Singh, Resident of Village - Udaypura, P.S.- Naubatpur, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Samrendra Kumar Jha, Advocate.
For the Opposite Party : Mr.Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 11.01.2019 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 02.05.1996 at about 5.00 A.M., while the informant was sleeping alongwith his father on two different cots at the *Dalan*, when 7-8 persons forced their entry into the house from the northern side and uncovered the face of his father by way of removing the *Chadar* and after identifying his father in the light of a *Torch*, they threatened the informant not to raise alarm otherwise he would also be done to death. Thereafter, they fired 3-4 rounds at his father and immediately thereafter all of them took to their heels



towards the southern *Gali* of the Village. He claimed to have identified the petitioner and one Vijay Sigh. Rest of the accused persons had concealed their faces and all of them were aged between 30 to 35 years. The motive for commission of the instant occurrence is said to be the land dispute and it was also alleged that accused persons had earlier threatened the members of the informant party with dire consequences.

The present application relates to misuse of bail. The petitioner was granted bail vide order dated 19.11.1996 by the learned court below itself. The petitioner, being the daily wages worker, had gone outside the State of Bihar for his livelihood. During his absence, proper *pairvi* could not be made on his behalf in this case and ultimately his bail bond was cancelled by order dated 19.11.2011 and thereafter he was declared absconder by order dated 17.11.2014. When the petitioner came to know regarding the same, he surrendered in the court below. He has remained in custody for about six months. He undertakes to co-operate during the trial. The petitioner had no intention to abscond from his appearance in the learned court below.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Sessions Judge-I, Danapur, Patna, in connection with Sessions Trial No. 645 (A) of 1998, arising out of Naubatpur P.S. Case No. 73 of 1996.

Further, the petitioner is directed to appear before the court below on each and every date during the trial. If the petitioner fails to appear on two consecutive dates, learned court below will be at liberty to cancel the bail bond of the petitioner.

U.K./-

(Sudhir Singh, J)

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