

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33983 of 2019

Arising Out of PS. Case No.-138 Year-1985 Thana- PALIGANJ District- Patna

1. Yugal Mochi Son of Late Arjun Mochi Resident of Village- Banauli Khurd, P.S.- Paliganj, present P.S.- Khirimore, District- Patna.
2. Lakhan Mochi Son of Late Mosafir Mochi Resident of Village- Banauli Khurd, P.S.- Paliganj, present P.S.- Khirimore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-08-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The present petition has been preferred by the petitioners against the order dated 24.07.2018 passed by the learned A.D.J. II, Danapur in Sessions Trial no. 880 of 1986, whereby and whereunder the learned trial court has refused to grant bail to the petitioners herein, on account of misuse of privilege of bail already granted to them vide orders dated 13.09.1985 and 28.09.1985.

The learned counsel for the petitioners has submitted that the case in question is a very old case and pertains to the year 1995 bearing Paliganj PS case no. 138 of 1985 registered for the offence punishable under Section 364/34 of Indian Penal Code. It is further submitted that on the date of commitment,



though the petitioners were present in the Court but the next date of hearing was not communicated to the petitioners, hence they could not appear before the learned trial court on the subsequent dates. It is further submitted that the petitioners are willing to abide by whatever terms and conditions, as are imposed by this Court, for the purposes of grant of bail and they undertake to appear, on each and every date, before the learned trial court.

Having regard to the facts and circumstances of this case, I direct the petitioners to deposit a fine of Rs. 5,000/- each before the *Nazarat* of the learned trial court at Danapur, whereupon they would be released on regular bail subject to such conditions as may be imposed by the learned Court of A.D.J.-II, Danapur, in connection with Paliganj PS case no. 138 of 1985 leading to Sessions Trial no. 880 of 1986. It is needless to state that in case of any default in appearing before the learned on the date fixed by the trial court, the present privilege of bail shall stand cancelled automatically and the petitioners would be arrested, forthwith.

(Mohit Kumar Shah, J)

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