

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33898 of 2019

Arising Out of PS. Case No.-77 Year-2007 Thana- PALIGANJ District- Patna

BHUSHAN SINGH Son of late Ayodhya Singh Resident of Village - Mauri,
P.S.- Khirimore, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

This is an application with a prayer for bail in a case of misuse of bail granted to the petitioner by a co-ordinate Bench of this Court vide order dated 31.03.2010, passed in Criminal Miscellaneous No. 11695 of 2010 preferred in a case registered for the offences punishable under Sections 341, 452, 323, 324, 307, 386, 404/34 of the Indian Penal Code and 27 of the Arms Act.

It appears from the impugned order that the bail bond of the petitioner was cancelled vide order dated 16.03.2013 and thereafter, he was declared absconder vide order dated 10.11.2015. Consequently, process under Section 82 of the I.P.C. was issued against him vide order dated



02.06.2015. Subsequently, the petitioner was arrested on 28.01.2019 and since then he is in judicial custody.

It is submitted by learned counsel for the petitioner that since the petitioner went abroad to earn his livelihood, hence he could not appear regularly before the learned Court below, as a result, his bail bond got cancelled. It is further submitted that now the petitioner undertakes to appear before the learned Court below regularly on each and every date.

Learned APP for the State submits that the petitioner has misused the privilege of bail.

Considering the fact that the petitioner was granted bail on merit and the impugned order does not suggest that after arrest of the petitioner, any progress has been made in the trial, 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 ADJ-III, Danapur in connection with Sessions Trial No. 102 of 2010, arising out of Paliganj P.S. Case No. 77 of 2007, subject to the condition that one of the bailors must be a close family member of the petitioner.

However, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three



consecutive occasions or substantially gets involved in some
serious nature of offence.

(Dinesh Kumar Singh, J)

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