

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33995 of 2019

Arising Out of PS. Case No.-53 Year-1999 Thana- BIHTA District- Patna

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Pappu Kumar Son of Late Shyam Nandan Singh Resident of Village -
Sikariya, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-08-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The present petition has been filed against the order dated 16.04.2019 passed by the learned Additional Sessions Judge-I, Danapur in Sessions Trial no. 163(A) of 2003, whereby and whereunder the prayer of the petitioner for grant of bail has been refused on the ground that he has misused the privilege of bail.

The learned counsel for the petitioner submits that the petitioner was granted bail in connection with Bihta PS case no. 53 of 1999 registered for the offence punishable under Sections 498A, 304(B), 201/34 of Indian Penal Code on 29.05.2000. It is submitted that the petitioner is the brother of the main accused i.e. the husband of the deceased victim lady and his appearance



before the learned trial court, after grant of bail, was being taken care of by his brother but after partition, it appears that the brother of the petitioner has not taken care regarding the petitioner's appearance before the learned trial court resulting in cancellation of his bail on 07.06.2007 by the learned trial court. It also appears that by an order dated 03.11.2016, the petitioner was declared absconder and permanent warrant of arrest was issued against him, whereafter, he was arrested on 03.03.2019. The learned counsel for the petitioner submits that the petitioner has not willfully committed the mistake of not appearing before the learned trial court but it appears that on account of his brother having stopped making attendance on his behalf on account of partition having taken place between them, the default has occurred. It is further submitted that the petitioner is ready and willing to abide by whatever conditions, as may be imposed by this Court for grant of bail.

Having regard to the facts and circumstances of this case, I deem it fit and appropriate to direct for release of the petitioner on bail subject to deposit of a sum of Rs. 5,000/- as fine in the *Nazarat* of the learned civil court at Danapur, whereupon the petitioner shall be released on regular bail on such conditions as may be imposed by the learned court of



Additional Sessions Judge-I, Danapur in connection with Bihta PS case no. 53 of 1999 leading to Sessions trial no. 163(A) of 2003. It is needless to state that in case of any default in appearance before the learned trial court on the date fixed by the court below on any occasion without any sufficient cause, the present privilege of bail shall stand cancelled automatically and the petitioners would be arrested, forthwith.

(Mohit Kumar Shah, J)

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