

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36764 of 2019

Arising Out of PS. Case No.-229 Year-2016 Thana- CHANPATIA District- West Champaran

FAIYAZ ANSARI, aged about 30 years, Male, Son of Late Sharfuddin Mian,
Resident of Village - Amaithia, P.S.- Jogapatti, District - West Champaran
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Adv.

For the Opposite Party : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-06-2019

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with S. Tr. No. 332 of
2017 arising out of Chanpatia (Sirisia O.P.) P.S. Case No. 229 of 2016
for the offence alleged under Section 395 of the Indian Penal Code.

The present case is a case of misuse of privilege of bail.

The petitioner was earlier granted bail by a coordinate Bench
of this Court in Cr. Misc. No. 11335 of 2018, dated 28.02.2018, with a
condition that the petitioner would physically remain present on each
and every date before the trial Court and if he absents himself on two
consecutive dates without any reasonable cause, his bail bond shall be
liable to be cancelled.

The petitioner did not appear before the learned trial Court
after the grant of privilege of bail, as such, he delayed the framing of
charge, hence, his bail bond has been cancelled and taken to custody on
13.02.2019.

Learned counsel for the petitioner submits that he is ready to
appear on each and every date and would not misuse the privilege of



bail, if granted.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the fact that the first information report is against unknown, no incriminating article has been recovered from the possession of the petitioner and he has not been put on test identification parade till date, the petitioner, above named, is directed to be released on bail, **after framing of charge**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 332 of 2017 arising out of Chanpatia (Sirisia O.P.) P.S. Case No. 229 of 2016 to the satisfaction of the learned Additional District & Sessions Judge, V, West Champaran at Bettiah, or the successor Court, subject to the condition that he would remain personally present on each and every date before the trial Court and failure to appear on two consecutive dates without any reasonable cause will entail cancellation of his bail bond.

(Nilu Agrawal, J)

Shamshad/-

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