

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43145 of 2019

Arising Out of PS. Case No.-147 Year-1992 Thana- HUSSAINGANJ District- Siwan

NAND KISHORE CHAUDHARY @ NAND KISHORE YADAV Son of
Suryadeo Chaudhary Resident of Village - Sandho Khor, Hussainganj,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Hussainganj P. S. Case
No.147 of 1992 instituted for the offence under Section(s)
25A/26/35 of the Arms Act and Section 3/5 of the Explosive
Substance Act.

This is a case of misuse of privilege of bail. This is a
case registered for the offence under Sections 25A/26/35 of the
Arms Act and Section 3/5 of the Explosive Substance Act. The
Sessions Judge has mentioned in the impugned order that
cognizance has been taken on 4.8.1995 and process was issued
for appearance of the petitioner but, he did not appear. He was
declared absconder on 29.3.2005. He has voluntarily



surrendered on 15.4. 2019 and since then he is in custody.

This court is of the view that petitioner has sufficiently been punished for the laches on his part.

Considering the aforesaid, let the petitioner, above named, 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 the SDJM, Siwan in connection with Hussainganj P. S. Case No.147 of 1992, Trial No. 423 of 2005 subject to the following conditions:-

(i) Both the bailors shall be the close relative of the petitioner.

(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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