

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76380 of 2018

Arising Out of PS. Case No.-108 Year-2012 Thana- BARAUNI District- Begusarai

Dablu Tanti Son of Late Funa Tanti Resident of Village-Bihat Tola Ibrabimpur
P.S. Barauni, Distt.-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hare Krishna Prasad

For the Opposite Party/s : Mr.Sri Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 This is an application for bail in a case of misuse.

Initially the petitioner was granted bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code.

The accusation was of establishing forceful physical relationship with 80 years old mother of the informant.

Considering the fact that the victim was medically examined on 23.04.2012 for the occurrence of 22.04.2012 but the medical opinion did not corroborate the accusation, the petitioner was granted bail keeping in view the fact that the petitioner was remained in custody for more than a year with liberty to the learned Trial Court to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

It appears from the impugned order that due to non-



appearance the bail bond of the petitioner was cancelled and he was declared absconder on 11.05.2018. Subsequently, the petitioner was arrested and was remanded in the present case on 02.09.2018. It appears that the matter was fixed for 05.11.2018 for evidence.

It is submitted by learned counsel for the petitioner that the petitioner undertakes to regularly appear during trial. It is further submitted that there is no substantial progress in the trial since the petitioner has been arrested and he has remained in custody for more than six months.

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

Considering the fact that the petitioner has remained in custody for more than six months, he was granted bail on merit and impugned order does not suggest that any substantial progress has been made during 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 Additional Sessions Judge-II, Begusarai in connection with Sessions Trial No. 920 of 2012, arising out of Barauni P.S. Case No. 108 of 2012.

However, the learned Trial Court will be at liberty to



cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

It is made clear that no further bail application will be entertained in case of misuse of privilege of bail.

(Dinesh Kumar Singh, J)

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