

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76248 of 2019**

Arising Out of PS. Case No.-9 Year-2006 Thana- IMADPUR District- Bhojpur

CHHOTAN SAO @ CHHOTAN SAH Son of Chandrama Sah Resident of
Village - Bihita, Post office - Bihita, P.S. - Imadpur, District - Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav

For the Opposite Party/s : Mr.Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 26-11-2019 Heard.

The present petition has been filed assailing the order dated 7.8.2019 passed by the learned court of F.T.C. II, Bhojpur at Ara in Sessions Trial No. 460A/2006.

It is the case of the petitioner that the petitioner was granted the privilege of regular bail by an order dated 22.3.2007 passed by a coordinate Bench of this Court in Criminal Miscellaneous No. 51517 of 2006 in connection with Imadpur P.S. Case No. 9 of 2006 (Sessions Trail No. 460A/2006), whereafer the petitioner was released from custody after furnishing the bail bonds, however, he failed to appear before the learned trial court resulting in cancellation of his bail bonds on 11.3.2010 and thereafter, all processes were issued by the learned court below and ultimately,



permanent warrant was issued against the petitioner and considering the bleak chance of his appearance in near future, the trial of the petitioner was separated by an order dated 10.12.2012.

The learned court below by the impugned order dated 7.8.2019 has refused to grant regular bail to the petitioner herein on account of long misuse of the privilege of bail.

The learned counsel for the petitioner has submitted that the petitioner is the sole bread earner of his family and he was away to a place outside Ara for earning his livelihood. It is further submitted that the petitioner was not aware of the fact that his bail bonds have been cancelled and permanent warrant has been issued, hence, when he came back to his village, he was arrested by the police on 18.3.2019.

The learned counsel for the petitioner has submitted that the petitioner undertakes not to misuse the privilege of regular bail in case, he is granted regular bail by this Court and also undertakes to appear on each and every date so fixed by the learned trial court.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct for release of the



petitioner on regular bail, subject to such conditions as may be imposed by the court of learned FTC, II, Ara/ Successor court in connection with Imadpur P.S. Case No. 9 of 2006 (Sessions Trial No. 460A/2006).

It is needless to state that the petitioner shall mark his attendance on each and every date so fixed by the court below in the ongoing trial and in the event of two consecutive defaults in marking his attendance, the present privilege of regular bail shall stand cancelled automatically and the petitioner would be liable to put into custody forthwith.

(Mohit Kumar Shah, J)

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