

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70465 of 2019

Arising Out of PS. Case No.-18 Year-1998 Thana- PARAIYA District- Gaya

GUPTA PASWAN Son of Shiwam Paswan Resident of Village- Kamaldah,
P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

This is a case of misuse of privilege of bail by the petitioner. The petitioner was declared absconder on 30.08.2006 and his bail bond had been cancelled much prior thereto on 05.02.2004 itself. Considering these factors, the petitioner's prayer for bail has been rejected by the Court below on 17.09.2019. Taking note of the fact that since the petitioner is in custody since 12.07.2019, he was given liberty to renew the prayer for bail before the Court below within three months in case the trial is not concluded within three months. It is submitted by petitioner's counsel that till date, the trial has not concluded and the petitioner continues to be in custody.

Learned APP for the State has opposed the prayer.



Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel.

Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Gaya in Trial No 812 of 1998 arising out of Paraiya Police Station Case No 18 of 1998 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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