

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20265 of 2020

Arising Out of PS. Case No.-234 Year-2005 Thana- DUMRAO District- Buxar

PHUDENI DOM Son of Late Sipahi Dom Resident of Village - Amasari,
P.S.- Murar, District - Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 The matter has been taken up through virtual court proceeding.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The present application has been filed in a case of misuse of bail.



The petitioner was made accused in connection with Dumrao (Naya Bhojpur) P.S. Case No. 234 of 2005, registered for the offence punishable under Section 395 of the IPC.

Though the FIR was lodged against unknown persons, but the name of the petitioner sprang up during investigation.

The petitioner was granted bail, thereafter, the petitioner failed to appear before the learned Court, as a result, his bail bonds were cancelled vide order dated 16.04.2007 and he was declared absconder, vide order dated 04.03.2008, passed by learned Court below. Now the petitioner is in custody since 15.07.2019.

Learned counsel for the petitioner submits that since the petitioner went outside the state to earn his livelihood, he could not appear before the learned Court below. However, the petitioner undertakes to appear before the learned Court below regularly.

Learned APP submits that the petitioner misused the privilege of bail earlier granted to him.

Considering the fact that the petitioner is languishing in custody since last 11 months, earlier the petitioner was granted bail on merits as well as the undertaking of the petitioner to the effect that he will regularly appear before the



learned Court below, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-III, Buxar in connection with Dumraon Nagar Bhojpur P.S. Case No. 234 of 2005.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Buxar in connection with Dumraon Nagar Bhojpur P.S. Case No. 234 of 2005.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned Court below will be at liberty to cancel



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

(Dinesh Kumar Singh, J)

Amrendra/-

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