

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84017 of 2019**

Arising Out of PS. Case No.-482 Year-2016 Thana- BEGUSARAI MUFFASIL
District- Begusarai

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AKHILESH KUMAR @ AKHILESH SHARMA @ KUMAR AKHILESH @
AKHILESH SINGH @ RAHUL KUMAR Son of Biraju Singh Resident of
Village- Rahatpur, P.S.- Balia, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shree Niwas Singh, Advocate.

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 23.10.2019 in connection with Sessions Trial No. 22 of 2018 arising out of Mufassil P.S. Case No. 482 of 2016 for the offences alleged under Sections 302, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that regular bail was granted by this Court by order dated 22.09.2017 passed in Cr. Misc. No. 36829 of 2017, wherein *inter alia*, one of the conditions required the petitioner to remain physically present in Court on each and every date during trial and failure on two consecutive dates without sufficient reason would render the bail bond liable for cancellation.

4. It is submitted that the petitioner had been regularly presenting himself before the court below as and when the case was fixed. However owing to illness, he was in bed rest



from 24.06.2019 to 02.07.2019, by reason of which he was unable to appear before the Court on 25.06.2019. It is therefore submitted that the default in appearance on 25.06.2019 leading to cancellation of his bail bond was bona fide.

5. Learned APP appears and has been heard.

6. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Sessions Trial No. 22 of 2018 arising out of Mufassil P.S. Case No. 482 of 2016, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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