

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16859 of 2021**

Arising Out of PS. Case No.-5 Year-2008 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

Vijay Kumar Rai S/O Lakhan Rai R/o village- Nawa Nagar, P.S.- Bidupur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Mr. Tarun Prasad

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with C2A no. 05 of 2008 registered for the offence punishable under Section 47 (a) of the Bihar Prohibition and Excise Act.

It is a case of misuse of privilege of bail.

The bail bond of the petitioner has been cancelled by the learned Court below due to non-prosecution. The petitioner entrusted his pairvi to the karpardaz concerned and went outside from his



native place for his livelihood. Due to non pairvi of the petitioner case the learned Additional Chief Judicial Magistrate IV pleased to cancel bail bond of the petitioner on 30.04.2013 and accordingly N.B.W. process under Section 82 and 83 Cr.P.C. has been issued and ultimately the petitioner has been declared absconder on 04.11.2015.

It is submitted by learned counsel for the petitioner that petitioner has not committed mistake knowingly and deliberately and he is a sick person suffering from many disease and he has been arrested by the police and remanded in to judicial custody on 16.10.2020 and since he is languishing in jail.

Petitioner is agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) in the Patna High Court Legal Service Authority.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with C2A Case No. 05 of 2008 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other



case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000 (Rupees Five Thousand) in the Patna High Court Legal Service Authority.

(Anjani Kumar Sharan, J)

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