

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35848 of 2020

Arising Out of PS. Case No.-130 Year-1999 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Arun Sahni Son of Late Shekhar Sahni Resident Of Manjhaur, Bichkhanna
Tola, Police Station - Cheriya Beriarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha,Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2021 Heard the learned counsel for the petitioner and Shri
Ashok Kumar, the learned A.P.P. for the State.

The present petition has been filed against the order dated 26.08.2020 passed in Sessions Trial No. 470(A) of 2009 by the learned Additional Sessions Judge- VIII, Begusarai whereby and whereunder the prayer for bail of the petitioner has been rejected in view of the fact that earlier on several occasions he had defaulted in appearing before the learned court below, resulting in cancellation of the bail bonds and the learned trial court has come to the finding that the petitioner is hell bent to prolong the disposal of the case deliberately.

The brief facts of the case are that the present case arises out of Cheriabariyarpur P.S. Case No. 130 of 1999 under



Sections 302/ 380/34 of the Indian Penal Code. The petitioner is stated to have been released on bail vide order dated 22.06.2001 passed in Cr. Misc. No. 14348 of 2001 by a co-ordinate Bench of this Court, however, on account of non-appearance on some dates, the case could not be committed to the court of Sessions by the learned trial Court from the year 2001 to 2009, whereafter, non-bailable warrants were issued against the accused persons, including the petitioner herein and then the petitioner is stated to have surrendered on 27.11.2001, whereupon he was readmitted to bail, but he again misused the privilege of bail and as such again his bail bonds were cancelled and on 22.12.2010, the petitioner was again arrested, but on his undertaking to appear on each and every date of hearing, he was again readmitted to the privilege of bail. The petitioner had again misused the bail conditions on 24.10.2016, as such his bail bonds were again cancelled and he was declared a proclaimed offender. After a considerable period of more than four years, the petitioner was again arrested on 07.07.2020, whereupon he had applied for bail before the learned trial court, however, the prayer of the petitioner for grant of bail has been rejected by the impugned order dated 26.08.2020 and the learned trial court has come to a finding that the petitioner has deliberately misused the



privilege of bail and is hell bent to prolong the disposal of the case.

The learned counsel for the petitioner submits that the petitioner undertakes not to misuse the privilege of bail in future.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and considering the materials on records as also taking into account the impugned order dated 26.08.2020, this Court finds that the petitioner has been a habitual defaulter and has engaged in misusing the privilege of bail, times without number, only with a view to impede and protract the trial, hence, he deserves no mercy by this Court, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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