

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50198 of 2021

Arising Out of PS. Case No.-191 Year-2006 Thana- NAWADA District- Nawada

BHOLA MAHTO Son of Baleshwar Mahto Resident of Mohalla - Linepar
Mirzapur, Nawada, P.S. and District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Nawada Nagar P.S. Case No. 191 of 2006 registered for the offences punishable under Section 47(A) of Excise Act and Section 290 of IPC.

It is a case of misuse of privilege of bail.

Learned counsel for the petitioner submits that petitioner was earlier granted bail vide order dated 01.09.2006 by the learned 1st Additional Sessions Judge, Nawada in B.P. No. 109 of 2006. He further submits that charge sheet has been



submitted on 05.12.2006 and vide order dated 03.02.2007 summons to the accused persons have been issued but the petitioner could not appear before the court below. Thereafter, vide order dated 26.04.2007 N.B.W. was issued and finally vide order dated 02.12.2016 bail bond of the petitioner was cancelled and ultimately, petitioner surrendered before the court below on 06.04.2021 and since then he is in custody.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner misused the privilege of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Nawada in connection with Nawada Nagar P.S. Case No. 191 of 2006, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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