

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9575 of 2022

Arising Out of PS. Case No.-236 Year-2004 Thana- NAWADA District- Nawada

Mundrika Paswan S/O Late Munu Paswan @ Late Sonu Paswan Resident of
Mohalla- Madanpur, P.S.- Bishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Sessions
Trial No. 217/2014/534/2007 arising out of Nawada (T) P.S.
Case No. 236 of 2004 registered for the offence under Sections
366 (A) and 120 (B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.12.2021.

It is alleged that petitioner has misused the privilege
of anticipatory bail.

Learned counsel appearing on behalf of the petitioner
submitted that this is the case of misuse of anticipatory bail
which has been granted by a learned Co-ordinate Bench of this
Hon'ble Court vide order dated 20.10.2006 passed in Cr. Misc.



No. 43795 of 2006. It has further been submitted that petitioner now undertakes to appear on each and every date of hearing before the Trial Court and prayed for a lenient view in the background of the fact that petitioner is a senior citizen aged about 65 years suffering from different ailments. While arguing over the matter, it has further been submitted that though the petitioner has been declared absconder but the declaration in itself was in very mechanical manner as none of the provision of Section 82(2) and 82(3) of the Cr.P.C. was complied of.

Learned APP appearing on behalf of the State fairly conceded that it is the first misuse of privilege of anticipatory bail by petitioner.

Considering the facts and circumstances as mentioned above, as provision of Section 82(2) and 82(3) of the Cr.P.C. was not complied before declaring the petitioner absconder, let the petitioner, above named, is directed to be released on bail in connection with Sessions Trial No. 217/2014/534/2007 arising out of Nawada (T) P.S. Case No. 236 of 2004 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Nawada, subject to the following conditions:



“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

Learned APP submitted that as the case is pending since the year 2004 before the Trial Court, a direction be given to the Trial Court to expedite the trial.

Considering the submission of learned APP, Trial Court is directed to conclude the trial preferably within a period of three months from the date of communication of this order.

(Chandra Shekhar Jha, J)

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