

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12441 of 2022

Arising Out of PS. Case No.-70 Year-2010 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Kapil Ram aged about 42 years (Male) Son of Late Mundrika Ram Resident
of Village - Mosimpur, P.S. - Shekhopur Sarai, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with
Sheikhopur Sarai P.S. Case No. 70 of 2010, registered for the
offence under Sections 302, 201 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.12.2021.

The petitioner has already been granted bail by this
Court through Cr. Misc. No. 19793 of 2016 dated 04.05.2016,
but due to non-compliance of one of the conditions imposed in
the said order dated 04.05.2016, bail bond of the petitioner has
been cancelled. It is a case of misuse of bail.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is a labour and was usually remains outside State in connection with his livelihood/employment. It is submitted that non-appearance of the petitioner before the Court below was neither deliberate nor intentional, rather it was due to circumstantial hardship.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is the first case of misuse of bail.

Considering the facts and circumstances as mentioned above, as the present case is the first misuse of privilege of bail, let the petitioner, above named, is directed to be released on bail in connection with Sheikhopur Sarai P.S. Case No. 70 of 2010 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 District Judge-I, Sheikhpura. subject to the conditions imposed as mentioned in Cr. Misc. No. 19793 of 2016 dated 04.05.2016.

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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