

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19700 of 2022

Arising Out of PS. Case No.-354 Year-2012 Thana- DALSINGHSARAI District- Samastipur

PRAMOD KUMAR @ PRAMOD MAHTO S/O LATE BALESHWAR
MAHTO R/o village- Pand Purbari Tola, P.S.- Dalsingsarai, District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. DROPATI DEVI W/o Late Arbind Kumar @ Chetharu Mahto R/o village-
Pand Pachhiyari Tol, P.S.- Dalasingsarai, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-11-2022 Heard Shri Yogesh Chandra Verma, learned senior

counsel assisted by Shri Surya Narayan Roy and Shri Ashok

Kumar for the petitioner and Shri Sanjay Kumar Singh, learned

APP for the State.

The present application has been filed for quashing
the order dated 15.03.2022 passed by the learned A.D.J.
Dalsinghsarai, Samastipur in S.T. No. 342 of 2021 by which the
learned A.D.J., Dalsinghsarai, Samastipur has directed to to
issue N.B.W. against the petitioner.

The petitioner was granted bail vide order dated
23.06.2019 passed in Cr. Misc. No. 7283 of 2014. After police
submitted the charge-sheet thereafter the court took cognizance



against the petitioner and others and thereafter the case record was sent to learned Sessions Judge for commitment of the case.

After commitment, the case came to ADJ Dalasinghsarai (Samastipur) for trail the case in ST No.342 of 2021 (arising out of Dalasinghsarai P.S. Case No.354 of 2012). Due to Covid-19 situation the court was running through virtual mode and therefore the petitioner has no knowledge about the fact that the court is running in physical mode.

From perusal of the order sheet, it appears that on 22.02.2022 all five accused were absent on call. On 24.02.2022, all five accused persons appeared and prayed for bail before the Additional Sessions Judge, Dalsinghsarai (Samastipur) in S.T. No. 342 of 2021 and the learned court below granted bail to all the five accused persons with a condition that till the charge is framed they would be required to be physically present in the court on each date and if they failed to do so on two consecutive dates their bail bonds will be liable to be cancelled. On 15.03.2022, out of five accused persons four accused were present, whereas petitioner was represented through his lawyer which was for that day. All the four accused persons (1) Ram Narayan Mahto (2) Subodh Mahto (3) Binod Mahto (4) Pinku Rail filed a petition under Section 227 of Cr.P.C. As the



representation of the petitioner was rejected, his bail bond was cancelled and N.B.W. was issued against him. Hence, this application.

Learned counsel for the petitioner submits that the petitioner was ill from 13.03.2022 to 21.03.2022 due to Hypertension and blood sugar and he was not fit to attend the court.

Considering the facts and circumstances of the case and in the interest of justice, the order dated 15.03.2022 passed by the learned A.D.J. Dalsinghsarai, Samastipur in S.T. No. 342 of 2021 is hereby quashed and the petitioner is directed to appear in the court personally on 05.12.2022 for framing the charge and if on that date the petitioner does not appear before the court below non-bailable warrant shall be issued against him.

With the aforesaid observation and direction, this application stands allowed.

(Anjani Kumar Sharan, J)

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