

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28959 of 2022

Arising Out of PS. Case No.-158 Year-2001 Thana- MANER District- Patna

Sagar Rai, Son of Narad Rai @ Bashudeo Rai, Resident of Village - Haldi Chhapra, P.s.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 977 of 2003 arising out of Maner P.S. Case No. 158 of 2001, registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

It is a case of misuse of privilege of bail. The petitioner was granted bail vide order dated 29.10.2003 passed in Cr. Misc. No. 27310 of 2003. Due to continuous non-appearance of the petitioner, his bail bond was cancelled on



23.11.2016. He was taken into custody on 08.06.2021. Learned court below refused to entertain his application for grant of bail citing the conduct of the petitioner in delaying the proceedings for several years and wasting the time and energy of the court.

The learned counsel for the petitioner submits that the petitioner has been appearing through his counsel and when he went to Punjab to earn his livelihood, his counsel left the pairvi and the petitioner was not informed about the proceedings and his bail bond was cancelled. Learned counsel further submits that the petitioner is ready to abide by all terms and conditions which would be laid down at the time of grant of bail and further undertakes not to miss the appearance if he is allowed bail. Petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, Danapur, Patna, in connection with Sessions Trial No. 977 of 2003 arising out of Maner P.S.



Case No. 158 of 2001, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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