

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42529 of 2021

Arising Out of PS. Case No.-20 Year-1997 Thana- AMAS District- Gaya

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DHANANJAY PRASAD @ DHANANJAY MAHTO Son of Rampati Mahto
Resident of Village - Vishunpur, P.S. - Banke bazar, Dist. - Gaya
..... Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Arun Kr. Pandey, the learned APP for the State.

The present petition has been filed against the order dated 14.10.2020, passed by the Additional Sessions Judge 11th, Gaya in connection with Sessions Trial no. 7/2020/66/1999 (arising out of Amas PS case no. 20 of 1997 instituted for the offences punishable under Sections 399, 402 of Indian Penal Code and 25(1-b), 26, 35 of Arms Act), whereby and whereunder the prayer of the petitioner for grant of bail has been rejected on the ground that he has been



absconding since a long time.

The brief facts of the case are that the petitioner was made accused in connection with Amas PS case no. 20 of 1997 under Sections 399, 402 of Indian Penal Code and 25(1-b)a, 26, 35 of Arms Act, whereafter it appears that the petitioner was granted bail by a co-ordinate Bench of this Court vide order dated 05.11.1997. The petitioner is stated to have been regularly attending the court proceedings, however w.e.f. 24.03.2009, no representation was being made on his behalf resulting in cancellation of bail bonds of the petitioner on 05.05.2009, whereafter he was declared an absconder. However, subsequently, when the petitioner came to know that he has been declared an absconder, he had surrendered before the learned court below and since then i.e. since 22.09.2020, he is languishing in custody.

The learned counsel for the petitioner has submitted that the petitioner had gone to Kolkatta for his livelihood and had entrusted his co-villager to represent him before the learned court below, however it appears that the *Pairvikar* had left *Pairvi* of his case resulting in cancellation of his bail bonds, which he came to know after a lapse of considerable time. Thereafter, he surrendered before the learned court



below and is languishing in custody since 22.09.2020. It is thus submitted that the delay in surrendering before the learned court below is not intentional, hence the same be condoned. It is also submitted that the petitioner undertakes to be present on each and every date, so fixed by the learned court below, henceforth.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that strict conditions should be imposed so as to secure the presence of the petitioner in the on-going trial, otherwise the proceedings of the trial would again be impeded, in case the petitioner again makes default in appearing before the learned court below.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court deems it fit and proper to admit the petitioner to the privilege of bail, however subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Additional Sessions Judge-11th, Gaya in connection with Amas PS case no. 20 of 1997, as also subject to an additional condition to the effect that one of the bailors shall be



the wife of the petitioner herein.

The present petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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