

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41116 of 2022**

Arising Out of PS. Case No.-50 Year-2003 Thana- NARDIGANJ District- Nawada

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Bijay Singh S/O Late Lalo Singh Resident Of Village- Parma, P.S.-
Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Nardiganj P.S. Case No.50 of 2003 registered for the offences

punishable under Sections 302, 201, 328 and 34 of the Indian

Penal Code.

As per the prosecution, the informant has alleged that

his sister was married to Sanjay Singh about 10 years ago and

had two children from the wedlock. On the alleged date and

time the informant got to know that his sister alongwith his



nephew and niece had been administered poison by her in-laws. Further it is alleged that when the informant reached the alleged place his nephew was taking his last breath and the dead bodies of his sister and niece were removed by the accused and when informant tried to take his nephew to the hospital his sister's in-laws did not allow him to do so.

The main submissions advanced by the learned counsel Mr. Amresh Kumar Sinha appearing for the petitioner are that the petitioner was earlier granted regular bail vide order passed by this Court in Cr. Misc No.15041 of 2009 and thereafter he was released on 18.07.2009 and he had been appearing before the Court below till before 01.08.2012 and thereafter the advocate clerk of the petitioner had no knowledge about the date of the petitioner's case, hence no proper *pairvi* was made on behalf of the petitioner and consequently the bail bond of the petitioner was cancelled on 27.11.2015 and during that period the petitioner had gone outside for earning of his livelihood, owing to that he could not get the status of his case and during that period the petitioner's case was running for commitment and the trial had not started. Further submission is that the petitioner has no criminal antecedent and he is brother of the husband of the deceased and the alleged misuse of the



privilege of bail was first time on the part of the petitioner and now he is ready to co-operate the Trial Court and also ready to file any kind of undertaking to remain present before the Trial Court on each and every date fixed by the Trial Court.

Learned APP Dr. Ajeet Kumar appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the facts that the petitioner is stated to be a labourer and as per the above submission when he failed to mark his attendance before the Court below his case was running for commitment and the trial had not commenced at that time and he misused the privilege of bail for the first time and also considering his custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court and further on this condition that the petitioner shall deposit Rs. 10,000 in the Nazarth of the Court concerned and the said amount will be returned to the petitioner after the examination of the prosecution witnesses, if the petitioner again misuses the privilege of bail then the said amount shall be forfeited in favour of the State Government and



the Court below shall take serious action against the petitioner
by cancelling his bail bond in connection with Nardiganj P.S.
Case No. 50 of 2003.

(Shailendra Singh, J.)

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