

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45819 of 2022

Arising Out of PS. Case No.-33 Year-2011 Thana- VIJAYEPUR District- Gopalganj

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ALAM KHAN SON OF LATE SHAUKAT ALI KHAN R/O VILLAGE-
MATIYARI BAZAR, P.O.- MATIYARI BAZAR, P.S.- BIJAIPUR,
DISTRICT- GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Giri

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

The petitioner seeks bail in connection with

Bijaipur P.S. Case No. 33 of 2011 (giving rise to Sessions

Trial No. 70/2012) registered for the offences punishable

under Sections 147, 148, 149, 447, 307 of the Indian Penal

Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the

petitioner was granted bail on 27.05.2011 by the learned

trial court. It is further submitted that the petitioner went to



Dubai to earn his livelihood and he came back in the month of June 2022. After coming back from Dubai, the petitioner enquired about his case from his local lawyer and came to know that his bail was already cancelled on 20.07.2017. The petitioner was not aware that his bail has been cancelled. As soon as the petitioner came to know that his bail has been cancelled, the petitioner surrendered in the trial court on 13.07.2022. Learned counsel further submits that the petitioner undertakes to attend each and every date of the present case. So that the trial will be expedited. He has further submitted that he has not intentionally and deliberately misused the privilege of bail. Learned counsel further submits that the petitioner will never misuse the privilege of bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner as the record is pending on the stage of Section 313 Cr.P.C. regarding the statement of accused.

Considering the facts and circumstances of the case, period of custody, it is a case of misuse of privilege of bail and argument advanced on behalf of the parties, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Xth, Gopalganj in connection with Sessions Trial No. 70 of 2012 arising out of Bijaipur P.S. Case No. 33 of 2011, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date fixed by the court concerned.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number



shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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