

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60559 of 2021**

Arising Out of PS. Case No.-282 Year-2020 Thana- MAHUA District- Vaishali

Vindeshwar Rai, Son of Late Mishri Lal Rai, Resident of village- Mansurpur
Milki, P.S. - Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Ravish Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-09-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

3. Heard Mr. Arun Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Ravish Mishra, learned counsel
for the informant and the learned APP for the State.

4. The petitioner is invoking the inherent jurisdiction
of this Court by seeking quashing of the order dated 09.07.2021
passed by the learned Additional District & Sessions Judge-IX,
Vaishali at Hajipur in connection with Sessions Case No. 525 of
2020, arising out of Mahua P.S. Case No. 282 of 2020, whereby



the bail bond of the petitioner has been cancelled and the office was directed to issue Warrant of Arrest.

5. At the outset, learned counsel for the petitioner submits that earlier, the petitioner has been allowed privilege of regular bail in connection with Mahua P.S. case no. 282 of 2020 by learned coordinate Bench of this Court in Cr. Misc. No. 34905 of 2020 vide order dated 10.03.2021 with an observation that the petitioner will ensure his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10.30 AM and in the event of two consecutive defaults, the privilege of regular bail granted to the petitioner shall stand cancelled automatically, the copy of which has been annexed as Annexure-2 to this application. He further submits that in compliance of the order of the Hon'ble Court, the petitioner on being released from custody, appeared before the concerned police station on 29.03.2021. However, as there was nationwide lock down on account of Covid-19 pandemic and there was restriction in movement of people in general, the petitioner was unable to mark his attendance and considering the compelling circumstances he filed a petition before the learned court below on 18.06.2021, as contained in Annexure-3 to the application narrating the entire facts and prayer was made



before the learned court below to discharge from making his attendance before the concerned police station in view of the fact that the charge-sheet was already submitted and the trial has already commenced.

6. He next submits that while the aforesaid petition was pending consideration, it appears that a petition was filed by the State enclosing a report of the officer-in-charge of Mahua Police Station dated 19.06.2021 requesting therein to cancel the bail bond of the petitioner on the ground that irrespective of the order passed by the Hon'ble Court, the petitioner has not marked his attendance. It is further submitted that the copy of the petition has not even been served to the petitioner. The learned court below without having considered the application filed by the petitioner and without even giving any opportunity to make any submission on the petition filed by the State vide order dated 09.07.2021 has been pleased to cancel the bail bond of the petitioner and directed the office to issue Warrant of Arrest, which is impugned herein.

7. On the other hand, learned counsel for the informant submits that there is prima facie defiance of the order of the Hon'ble Court, as the bail was granted with a condition that the petitioner will ensure his attendance before the Officer-



in-Charge of the concerned police station on each Monday of the week at 10.30 AM and in the event of two consecutive defaults, the present privilege of regular bail granted to the petitioner shall stand cancelled automatically, but the petitioner could not comply the order of the Hon'ble Court and, as such, there is no illegality in the impugned order.

8. Learned APP for the State also opposes the prayer of the petitioner.

9. Having regard to the submissions made on behalf of the parties and considering the fact that at the relevant time, in question, there was a nationwide lock down, resulting into restriction of movement of people in general, suspension of the work in various institutions as well as Courts etc., apart from the fact that before passing the impugned order the petitioner had already filed a petition for discharging him to mark attendance in view of the prevalent situation and now he is rendering his undertaking that he will remain present on the date fixed by the trial court, let the order dated 09.07.2021 is set aside and the petitioner is directed to appear before the learned trial court within a period of two weeks from the date of receipt of a copy of this order and the court below will accept the fresh bail bond of the petitioner, along with all the conditions as was attached



with the earlier order of this Court dated 10.03.2021 passed in
Cr. Misc. No. 34905 of 2020, till further orders.

10. Accordingly, the present application stands
allowed.

(Harish Kumar, J)

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