

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33241 of 2022

Arising Out of PS. Case No.-15 Year-2004 Thana- BAUNSI District- Banka

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1. BAMBAM CHOUDHARY S/o Late Shankar Choudhary Resident of Tetri, P.S.- Naugachiya, District- Bhagalpur.
 2. Sanjeev Choudhary @ Sanjiv Choudhary S/o Late Shankar Choudhary Resident of Tetri, P.S.- Naugachiya, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-01-2023 Heard the learned counsel for the petitioners and
the learned APP for the State.

The present petition has been filed against the order dated 20.05.2022, passed by the learned Additional Sessions Judge-II, Banka in connection with Sessions Trial No. 270 of 2006 (arising out of Bounsi PS case no. 15 of 2004) instituted for the offences punishable under Section 364(A)/34 of the Indian Penal Code, whereby and whereunder the bail bonds of the petitioners have been cancelled on account of misuse of the privilege of bail.

The learned counsel for the petitioners has submitted that though the petitioners were appearing before



the learned trial court all along since the year 2006, however, on account of one default, their bail bonds were cancelled on 03.03.2021, whereafter, non bailable warrant of arrest was issued and the petitioners were arrested on 25.04.2022 and since then, they are languishing in custody. The learned counsel for the petitioners has further submitted that the petitioners undertake to appear on each and every date so fixed by the learned trial court in the on-going trial and in case of any default, it be directed that the present privilege of bail being granted to the petitioners shall stand cancelled and they shall be taken into custody.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to release the petitioners on bail, subject to such conditions as may be deemed fit and appropriate to be imposed by the learned court of Additional Sessions Judge-II, Banka, however, with a further condition that in case of any default on the part of the petitioners in appearing before the learned trial court in the on-going trial on the date so fixed, the present privilege of bail being granted to the petitioners shall stand cancelled, forthwith and



the petitioner shall be taken into custody, immediately.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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