

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45366 of 2023**

Arising Out of PS. Case No.-1 Year-2006 Thana- MUFFASIL District- Aurangabad

Lakhi Sharma S/O Bhavani Sharma R/O Village- Naugarh, Ps. Amas, Dist.
Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Let all the defects as pointed out by the office be
ignored.

3. Petitioner seeks bail who is in custody since
26.04.2023 in connection with Sessions Trial No.
13/2007/177/2021 arising out of Aurangabad (Muffasil) P.S.
Case No. 01 of 2006, F.I.R. dated 01.03.2006 for the offences
punishable under Section 394 of the Indian Penal Code.

4. Learned counsel for the petitioner submits the
present case is misuse of bail and earlier the petitioner has been
granted bail vide order dated 28.06.2007 passed in Cr. Misc. No.
27339 of 2007 and the charge has been framed against the
petitioner under Section 395 of the Indian Penal Code on



16.04.2007 and thereafter, the petitioner has gone out of the State for his livelihood and he has entrusted his advocate for *pairvi* in the present case. He further submits that vide order dated 05.02.2019 the petitioner has declared absconder and thereafter, vide order dated 13.12.2021 the bail bond of the petitioner was cancelled and the petitioner has surrendered on 26.04.2023. He further submits that in future the petitioner may represented on each and every date as fixed by the learned Trial Court.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has been absconder in this case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional Sessions Judge X, Aurangabad in connection with Sessions Trial No. 13/2007/177/2021 arising out of Aurangabad (Muffasil) P.S. Case No. 01 of 2006, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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