

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68333 of 2023

Arising Out of PS. Case No.-165 Year-2008 Thana- BHORE District- Gopalganj

Bhola Gond @ Bhola Sah Son Of Late Ramayan Sah Resident Of Village-
Sumeri Chhapar, Ps- Bhore, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No.33 of 2012, arising out of Bhore P.S. Case No.165 of 2008, lodged on 02.10.2008, under Sections 341/323/307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the bail has been earlier granted to the petitioner and he has handed over this responsibility to make *pairvi* to his Advocate/Advocate Clerk. Counsel submits that he was not properly apprised by the concerned Advocate/Advocate Clerk as a consequence his bail bond was cancelled. He further submits



that as soon as he got knowledge about the cancellation of his bail bond, he himself surrendered before the Court on 22.06.2023 and since then he is in custody. Counsel submits that there is no chance of his absconding or tampering with the prosecution. He submits that his antecedent is clean.

4. Learned counsel for the State opposes the prayer for bail and submits that it is a case of misuse of privilege bail in which the petitioner has been granted bail and he misused the privilege of bail twice. Firstly, on 04.07.2013 and secondly on 07.02.2018 and presently move only after issuance of all the process against him and, therefore, it is requested that bail may not be granted.

5. It transpires to this Court that the present FIR is of the year 2008 and sessions trial has commenced trial in 2012 but due to the evading attitude of the petitioner, the trial could not be completed.

6. In this view of the matter, the bail application of the petitioner is hereby rejected with liberty that he may renew the prayer for bail only after stage of Section 313 Cr.P.C.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

