

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79738 of 2023

Arising Out of PS. Case No.-90 Year-2019 Thana- SARAI RANJAN District- Samastipur

OMESHWAR PRAKASH @ OMESHWAR PRASAD SON OF LATE
NIRDHAN SHAH RESIDENT OF VILLAGE- SARAIRANJAN, PS-
SARAIRANJAN, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bam Bahadur Jha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sarairanjan P.S. Case No. 90 of 2019 registered for the offences punishable under Sections 272, 273 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. This is a case of misuse of privilege of bail.

4. Learned counsel for the petitioner submits that the petitioner was granted bail vide order dated 24.07.2019 passed in Cr. Misc. No. 45824 of 2019 by co-ordinate Bench of this Court. He further submits that petitioner has misused the privilege of bail for one date that was fixed on 10.07.2023 and petitioner has no knowledge of the said date which was fixed and on account of lack of communication the bail bond of the petitioner has been cancelled.



Petitioner has never misused the privilege of bail deliberately or intentionally. It has further been submitted that the charge has been framed and the case was running for evidence and the trial court has examined three witnesses upto 03.07.2023. It has further been submitted that the impugned order indicates that all the witnesses have already been examined. Learned counsel for the petitioner submits that petitioner will never misuse the privilege of bail in future.

5. Learned APP does not controvert the aforesaid submission.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, it is a case of misuse of privilege of bail of one date and no purpose will be served for keeping the petitioner in jail, in the light of aforesaid submission, let the petitioner above named be released on bail on the same terms and conditions, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Samastipur in connection with Sarairanjan P.S. Case No. 90 of 2019, G.R. No. 724 of 2019.

(Alok Kumar Pandey, J)

vashudha/-

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