

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34531 of 2024

Arising Out of PS. Case No.-193 Year-2021 Thana- TURKAULIYA District- East
Champaran

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SHABEEH AHMAD KHAN @ SABIH AHMAD @ MASOOM KHAN S/O
LATE WAJIH AHMAD KHAN R/O WARD NO. 23, BELBANWA, P.S-
MOTIHARI TOWN, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DR. KUMKUM SINHA @ KUMKUM KUMARI W/O SHYAM BABU
R/O MOHALLA- BADHAI TOLA CHHTAUNI, P.S- CHHTAUNI,
DISTT.- WEST CHAMPARAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Shailesh Kumar Mr. Afham Akhtar Mr. Shaubey Alam
For the Opposite Party/s :		Mr. Indu Kumari Srivastava
For the O.P.		Mr. Ansul Ms. Sagarika

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 16-07-2024 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor appearing on behalf of the

State as well as learned counsel for the opposite party No. 2.

2. The present application has been filed for quashing
the following order :-

A) The order dated 08.12.2023 passed by the Judicial
Magistrate 1st Class, Motihari, in connection with Trial No. 838
of 2024 arising out of Turkauliya (Banjariya) PS Case No.
193/2021 whereby and whereunder the Magistrate has cancelled



the Bail Bond of the petitioner and directed to issue Non Bailable Warrant of Arrest.

B) The order dated 16.04.2024, passed in Criminal Revision No. 446 of 2023 by the Session Judge, East Champaran, Motihari, arising out of order dated 08.12.2023, passed in Trial No. 1031/2022, wherein the Revisional Court dismissed the petition observing that no interference is required in order dated 08.12.2023.

3. By the impugned order the bail bond of the petitioner has been cancelled because of non-appearance of the petitioner in the Court below.

4. Mr. P.N. Shahi, learned Senior Counsel for the petitioner submits that the mother of the petitioner was ill and subsequently she died. Therefore, the petitioner could not regularly appear in the Court below.

5. Mr. Ansul, learned counsel for the opposite party No. 2 has vehemently opposed the prayer of the petitioner and submits that the petitioner has not co-operated in the trial and therefore, his bond was cancelled.

6. Learned Senior Counsel appearing on behalf of the petitioner has given an undertaking that the petitioner will co-operate in the trial and he will appear regularly through his



Advocate or personally in the trial.

7. In the interest of justice, this application is allowed.

8. The order dated 08.12.2023 passed by the Judicial Magistrate, 1st Class, Motihari and the order dated 16.04.2024 passed in Cr. Revision No. 446 of 2023 by the Sessions Judge, Motihari are quashed.

9. The petitioner is directed to execute fresh bail bonds and he will appear regularly in the trial as directed above.

10. The trial shall be expeditiously decided.

(Sandeep Kumar, J)

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