

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55973 of 2024

Arising Out of PS. Case No.-236 Year-2009 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Md. Saddam @ Md. Saddam Hussain Son of Md. Ayub Resident of village -
Muriya, P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Pranav Kumar Jha, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-09-2024 Heard the parties.

2. The petitioner has prayed for quashing the order dated 13.03.2024 passed in S.T. No. 586 of 10/ R-1916 of 2014 arising out of Sadar P.S. Case No. 236 of 2009 by which the learned Additional District and Sessions Judge has cancelled the bail bonds of the petitioner though the petitioner had already filed his representation under Section 317 of the Cr. P.C. before the concerned Court. By the impugned order, the trial Court has rejected the application under Section 317 of the Cr. P.C. and has issued non-bailable warrant of arrest against the petitioner.

3. Learned counsel for the petitioner has relied upon a judgment rendered in the case of *Sandeep Kumar Tekriwal vs. State of Bihar & Anr.* reported as *2009(2) PLJR 260* and



submitted that non-bailable warrant of arrest cannot be issued on the same day on which the application under Section 317 of the Cr.P.C. is rejected.

4. Learned APP for the State has opposed the application of the petitioner.

5. Considering the facts of this case and the law laid down in the case of *Sandeep Kumar Tekriwal* (supra) wherein it has been held that the Court while rejecting a representation under Section 317 Cr. P.C. cannot, at the same time, cancel the bail bond and issue non-bailable warrant of arrest and also in interest of justice, this application is allowed.

6. The order dated 13.03.2024 passed in S.T. No. 586 of 10/ R-1916 of 2014 arising out of Sadar P.S. Case No. 236 of 2009 is hereby quashed with a direction to the petitioner that he will co-operate in the trial and will be represented through his lawyer or will appear personally on each and every date fixed in the trial. The petitioner shall remain on the same bail bonds as executed earlier.

(Sandeep Kumar, J)

P. Kumar

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

