

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62166 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- ROSHANGANJ District- Gaya

Pradeep Prajapat S/o Ramdas Prajapat R/o Village- Hussainganj, PS- Banke Bazar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Advocate
		Mr. Rakesh Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2024 Heard Mr. Krishna Prasad Singh, learned Senior counsel for the petitioner duly assisted by Mrs. Veena Kumari and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 1026/2023, 1605/2023 arising out of Roushanganj P.S. Case No. 31 of 2018 for the offence punishable under sections 302, 307, 354, 457, 323, 147, 148 and 149 of the Indian Penal Code lodged on 07.03.2018 by the informant, Manju Devi.

3. The allegation against the petitioner is of entering the house of the informant and assaulting the husband who later died in course of the treatment.

4. Learned Senior counsel for the petitioner submits



that the allegation made in the FIR did not match with the *postmortem* report and as he did not had any criminal antecedent, earlier the bail application was allowed by a Coordinate Bench in Cr. Misc. No. 40304 of 2018 on 25.10.2018. His submission is that thereafter, he went out of the State for employment, putting his faith in his lawyer and got no information that his bail bond has been cancelled for non appearance on 16.09.2021 itself and the moment he came to know about it, surrendered on 27.06.2024.

5. It is his further submission that given a chance, the petitioner will be appearing on each and every date and failure to do so without plausible reason will entail cancellation of his bail bond by the learned Trial Court itself. Lastly, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Gaya (for the purchase of journals).

6. Learned APP opposes the prayer for bail submitting that he has jumped bail and only after three years surrendered.

7. The petitioner has misused the bail but the alibi that has been given that he went out for employment keeping faith in the lawyer who was appearing in trial, is in custody, trial has



been separated and he undertakes to cooperate in the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Gaya for the purchase of journals which has to be submitted by way of Bank Draft addressed to the District Legal Services Authority, Gaya at the time of execution of bail bond.

8. It is made clear that failure to appear in the trial even for the day, the learned Trial Court shall take immediate steps for the cancellation of his bail bond.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1st, Sherghati, Gaya, in connection with Sessions Trial No. 1026/2023, 1605/2023 arising out of Roushanganj P.S. Case No. 31 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for a single date



without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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

