

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83438 of 2024

Arising Out of PS. Case No.-76 Year-2020 Thana- GOPALPUR District- Gopalganj

Saral Bhagat Son of Mangal Bhagat Resident of village - Shahpur Hata Tola,
PS -Gopalpur, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 76 of 2020 registered for the offences punishable under Sections 272, 273, 420 of the IPC and Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

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

4. Learned counsel for the petitioner submits that the petitioner has already been granted bail by this Court vide order dated 16.07.2021 passed in Cr. Misc. No. 13106 of 2021. Learned counsel orally submits that petitioner did not turn up before the learned trial court on two consecutive dates prior to 03.01.2024. He, further, submits that petitioner has no knowledge regarding the date which was fixed by the learned



trial court and petitioner's bail bond was cancelled and non-bailable warrant of arrest was issued against him. Learned counsel further orally submits that petitioner has neither intentionally nor deliberately misused the privilege of bail. However, the petitioner was arrested on 01.10.2024 and since then, he is in judicial custody. He further submits that petitioner has sufficiently been punished by remaining in custody for misuse of his privilege of bail and no purpose would be served to keep him in custody. He further submits that he will not misuse the privilege of bail in future.

5. Learned A.P.P. for the State has accepted the submission made on behalf of the petitioner.

6. Considering the facts and circumstances of the case as well as petitioner has already suffered custody for near about two months and no purpose would be served to keep him in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV -cum-Special Judge, Excise Court No. 2, Gopalganj in connection with Gopalpur P.S. Case No. 76 of 2020, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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