

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86667 of 2023

Arising Out of PS. Case No.-84 Year-2021 Thana- SAHARGHAT District- Madhubani

Lal Mahto @ Lalbabu Mahto SON OF LALIT MAHTO @ RAMLALIT MAHTO Village -Kerwa Khirodni Tola, P.S-. Saharghatr, Ward No. 1, Gangaur, District- Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAM PUKAR PRASAD SON OF RAM CHANDRA PRASAD Village -Kerwa Khirodni Tola, P.S-. Saharghat, District- Madhubani, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhumay Madhup, Advocate Mr. Nishikant, Advocate Mr. Anand Kr. Tiwary, Advocate Mr. Aditya Raj, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-04-2024 Heard the parties.

2. This application has been filed for quashing order dated 04.10.2023 passed by the Additional District and Sessions Judge-III, Madhubani, in connection with Sessions Trial No. 527 of 2022 arising out of Saharghat P. S. Case No. 84 of 2021 whereby bail bond of the petitioner was cancelled and non-bailable warrant was issued against him.

3. Learned counsel for the petitioner submits that the bail bond of the petitioner was cancelled *vide* order dated 04.10.2023 in Sessions Trial No. 527 of 2022, due to his non-appearance only on one date i.e. 04.10.2023 by the learned court



below. The non-appearance was neither willful nor deliberate as the petitioner was hospitalised in Arogyam Hospital between 01.10.2023 to 06.10.2023 due to an abdominal pain.

4. Considering the submission made on behalf of the petitioner, order dated 04.10.2023 passed by the Additional District and Sessions Judge-III, Madhubani, in connection with Sessions Trial No. 527 of 2022 arising out of Saharghat P. S. Case No. 84 of 2021 is, hereby, quashed and it is ordered that the petitioner shall remain on the same bail-bond subject to the following conditions:

“(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dated without sufficient reason, his bail-bond shall be cancelled by the court below.

(ii). 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.”

5. This quashing application stands allowed.

(Prabhat Kumar Singh, J)

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