

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20289 of 2025

Arising Out of PS. Case No.-1284 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Khajir Hayat Khan @ Khizir Hayat Khan S/o Late Akbar Khan @ Late Ali
Akbar Khan R/o village- Malahi, PS- Kuchaikote, District- Gopalganj
... .. Petitioner/s

Versus

1. The State of Bihar
2. Parshuram Rai S/o Late Sugeni Rai R/o Vill.- Banjariya, P.S.- Kuchaikote,
Dist.- Gopalganj.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-07-2025 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

2. The petitioner has approached this Court for quashing of the order dated 19.10.2024, passed in Complaint Case No. 1284/2020 (Enq. No.-110/20), Trial No. 1882/2023, passed by learned Additional Chief Judicial Magistrate III, whereby the learned Court below has cancelled the bail bond of the petitioner on account of absence and non-appearance. The learned counsel for the petitioner submits that the petitioner after grant of bail had also paid Rs. 1 lakh 28 thousand to the O.P. No. 2 and was diligently following the trial, however, on account of his



illness and some personal difficulty, he could not appear before the Trial Court and as such, the learned Trial Court has cancelled his bail bond. It has been submitted that the absence was totally unintentional and the petitioner had not deliberately abstained from appearing during the trial. The learned counsel further submits that the petitioner undertakes to appear before the Trial Court on each and every day.

3. The learned A.P.P. for the State has vehemently opposed the prayer and has stated that the petitioner, after grant of bail, has absconded.

4. This Court had perused the records and taking the submissions into consideration, the order dated 19.10.2024 passed by learned Additional Chief Judicial Magistrate III is set aside.

5. The learned counsel for the petitioner is directed to appear and furnish fresh bail bond with condition that he shall appear on each and every date fixed by the Trial Court and the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner, if the petitioner absent's himself without sufficient reason.



6. Accordingly, the present application is disposed
of.

(Sourendra Pandey, J)

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