

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25193 of 2025

Arising Out of PS. Case No.-130 Year-1997 Thana- ALOULI District- Khagaria

Nago Mukhiya, son of Guneshwar Mukhiya @ Ganeshwar Mukhiya, resident
of Village -Machhra P.S. -Alauli, Dist- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is in custody since
12.04.2024. It is the first case of misuse of privilege of bail.

3. Accused/petitioner was on bail and misused the
same since 10.05.2010 when the matter was fixed for
recording the evidence. It appears from perusal of record
that several efforts were made by the learned trial court but
the petitioner failed to appears and, therefore, finally he was
declared absconder.

4. It is submitted by learned counsel appearing for
petitioner that non-appearance of the petitioner before court
below was neither intentional nor deliberate and it was due to
certain compelling circumstances, which was beyond his



reach. It is pointed out that petitioner was outside State in connection with his livelihood and he was not duly informed regarding next date of hearing by his conducting lawyer and out of said miscommunication, he could not appear before the learned trial court. It is submitted that not a single prosecution witness was examined despite of fact that petitioner remains in custody for more than one year i.e. almost about one year and five months for reason that case diary is not available and trial court was vacant. Finally, it is submitted that it is the first misuse of petitioner.

5. Non-availability of case diary and court appears affirmed through Letter No. 69 dated 07.05.2025 as made available to this Court by the I/c Additional District and Sessions Judge-VIII, Khagaria.

6. Considering the aforesaid factual submissions and for the reason as not a single prosecution witness was examined despite of custody of petitioner for one year and five months, as submitted aforesaid, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned A.D.J.-
VIII, Khagaria in connection with Alauli P.S. Case No.130 of
1997, subject to the conditions as laid down under Section
437(3) of the Code of Criminal Procedure (for short
'CrPC')/under Section 480(3) of the Bhartiya Nagrik
Suraksha Sanhita (for short 'BNSS') and with further
conditions:-

(i) That petitioner shall co-operate in the
trial and shall be physically present on each and
every date before the Trial Court till conclusion of
the trial and exemption from physical appearance be
allowed by the Trial Court only on medical ground of
the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any
deliberate attempt to delay the trial failing which,
the State/informant shall be at liberty to press a
petition before the learned trial court itself for
cancellation of bail bonds of the petitioner, which
shall be decided in accordance with law by giving
opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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