

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29357 of 2025

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Shriram Bhagat @ Sriram Bhagat @ Shriram Kushwaha @ Shre Ram Bagt
Son of Sharda Bhagat @ Shardha Bhagat Resident of village - Koreya
(Korea), Police Station - Vijayipur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Satyendra Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-08-2025 Heard learned Sr. counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The prayer for bail of the petitioner was earlier rejected vide order dated 19.04.2024 passed in Criminal Miscellaneous No. 4705 of 2024. Thereafter, the petitioner approached the Hon'ble Supreme Court seeking regular bail, which was allowed vide order dated 03.02.2025 passed in SLP (Crl.) No. 17609 of 2024. The Hon'ble Supreme Court directed that the petitioner be released on bail with a direction to the Trial Court to enlarge the petitioner on bail on appropriate terms and conditions till the disposal of the case. In compliance with the said order, the petitioner surrendered and was granted bail



by the learned Trial Court.

3. Learned Senior Counsel for the petitioner submits that after being granted bail by the Hon'ble Apex Court, the petitioner was regularly appearing before the Trial Court. However, due to back pain, he was unable to appear personally and, accordingly, filed petitions under Section 317 of the Cr. P.C. through his counsel. On 17.03.2025, the petitioner submitted an application under Section 317 Cr. P.C. supported by a medical prescription dated 14.03.2025 issued by Central Hospital, Patna, indicating that he was suffering from back pain. Again, on 20.03.2025, the petitioner submitted another application under Section 317 Cr. P.C., stating that he had gone to AIIMS, New Delhi for treatment, and this fact was brought to the knowledge of the Trial Court. However, despite being informed of the petitioner's medical condition, the Trial Court, after hearing the parties, cancelled the bail bond and issued a non-bailable warrant of arrest against the petitioner.

4. Learned counsel for the State opposes the prayer for bail.

5. Learned counsel for the informant opposes the prayer for bail and submits that the petitioner has misused the privilege for bail granted to him, hence, he does not deserve for



bail.

6. From the rejection order, it transpires that the petitioner appeared before the Trial Court in Sessions Trial No. 116 of 2024 on 10.03.2025. Thereafter, the Trial Court fixed 12.03.2025 for recording the statement of the accused under Section 313 of the Cr. P.C. However, on the said date, the accused again failed to appear. The Trial Court, granting a last indulgence, fixed the next date as 20.03.2025 and directed that the accused must appear on that date, failing which his bail bond would be cancelled. On 20.03.2025, when the petitioner did not appear, the Trial Court cancelled his bail bond and fixed the next date as 02.04.2025.

7. From perusal of the report dated 08.07.2025 of the learned District and Additional Sessions Judge-XII, Civil Court, Gopalganj, received through Letter No. 254, it transpires that the examination of the accused under Section 313 of the Cr. P.C. has since been completed. The case is presently fixed for defence evidence. Till now, 11 defence witnesses have been examined on behalf of the petitioner. The next date in the trial is fixed for 15.07.2025 for further defence evidence.

8. In the light of the report, it transpires to this Court that the petitioner himself responsible for the misuse of



privilege of bail. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with S. Tr. No. 116/2024 arising out of Vijaypur P.S. Case No. 265 of 2021, pending before the learned Additional Session’s Judge-X, Gopalganj is hereby rejected.

(Dr. Anshuman, J)

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