

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51677 of 2025

Arising Out of PS. Case No.-38 Year-2010 Thana- BAKHARI District- Begusarai

Md. Azam S/o Md. Jameer Haidar Resident of vill - ward no. 10, Nagar
Panchayat at Bakhri, Gadahi Tola, P.S.- Bakhri, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar Seth, Advocate Mr. Rajesh Kumar, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr.Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with ST No. 35 of 2013 arising out of Bakhri P.S. Case No. 38 of 2010, registered for the offences under Sections 147, 148, 341, 323, 324, 307, 379, 34 of the Indian Penal Code.

3. The present case is of misuse of privilege of bail. The petitioner was granted bail vide order dated 08.08.2010 passed by learned Single Judge of this Court in Cr. Misc. No. 31211 of 2010 but due to continuous absence of the petitioner, the bail bond of the petitioner was cancelled vide order dated 04.05.2023 and non-bailable warrant was issued against the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that petitioner has not deliberately avoided appearing before the Court. The petitioner was physically present in the Court on 19.12.2022. On 04.05.2023 as the petitioner was absent, the learned trial court cancelled the bail bond and ordered for issuance of Non-Bailable Warrant against the petitioner. The Court was not functional from 05.06.2024 till 06.01.2025. Learned counsel further submits that the petitioner suffered from Jaundice and due to this reason he could not attend the Court on time and undertakes not to repeat this mistake in future. The petitioner is in custody since 21.06.2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that due to absence of petitioner, trial before the learned trial court was hampered.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Begusarai/concerned court, in connection with ST

No. 35 of 2013 arising out of Bakhri P.S. Case No. 38 of 2010,
subject to the condition laid down under Section 480(3) of the
BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

U		T	
---	--	---	--