

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87710 of 2024

Arising Out of PS. Case No.-113 Year-2005 Thana- BIKRAM District- Patna

Sunil Goswami S/O Persuram Goswami R/O Village- Bikram, P.S- Bikram,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Session Trial No. 1341 of 2005 arising out of Bikram P.S. Case No. 113 of 2005 for the offence punishable under section 363, 366, 368 and 34 of the Indian Penal Code lodged on 15.04.2005 by the informant, Narendra Singh.

3. The FIR is of the year 2005 and as per the prosecution story, the informant alleged that his daughter, a Teacher with a local school failed to return in the evening and upon enquiry, it was informed that she did not attend the school, apprehending abduction, the FIR.

4. Learned counsel for the petitioner submits that he had no role to play, the case was that of a love story, he has



been alleged to be an associate. Though he was granted bail earlier, twice it was cancelled due to his absence on 14.02.2012 and 06.07.2015. Later, on 14.08.2015 he was granted bail but due to his remaining outside, the bail was again cancelled on 01.08.2016. This is actually misuse of bail and if granted bail, this time he shall be diligently appearing in trial and failure to do so for a single day, the concerned Court can cancel his bail bond. He is in custody since 23.10.2024 having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that a perusal of the order sheet of the learned Session Judge would show that twice he has jumped bail which has resulted into delay of the trial, FIR which was lodged in the year 2005.

6. Though the contention of the learned APP is correct, the petitioner has twice misused the bail granted to him, considering that he has remained in custody for two months, has no criminal antecedent and an undertaking has been given that he shall be appearing in the trial on every date, failure to do so, the Court concerned shall be taking steps for cancellation of his bail bond immediately, this Court is inclined to extend him the privilege of bail with conditions.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J.-VII, Danapur, Patna, in connection with Session Trial No. 1341 of 2005 arising out of Bikram P.S. Case No. 113 of 2005 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of his bail bonds.

8. Since the matter if of the year 2005, the Trial Court is requested to expedite the same and conclude it at an earliest.

(Rajiv Roy, J)

Adnan/-

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