

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89332 of 2024**

Arising Out of PS. Case No.-57 Year-2022 Thana- Excise P.S. District- Gopalganj

Anand Ram S/O Harinath Ram R/O Village- Madhusareya, P.S- Manjhagarh,  
Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prasoon Shekhar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      10-01-2025                      The instant petition relates to misuse of privilege of bail. The petitioner was granted bail by this Court vide order dated 25.11.2022 passed in Cr. Miscellaneous No. 57842 of 2022. While granting bail to the petitioner one of the conditions imposed was that in case of absence of the petitioner before the learned trial court 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. For violation of this condition, the bail bond of the petitioner was cancelled.

2. Learned counsel for the petitioner submits that the petitioner is an illiterate tractor driver and the learned counsel conducting the case on behalf of the petitioner did not apprise him about the significance of the bail order and the condition imposed upon him. In this background, the petitioner went



outside the State to earn his livelihood and entrusted the *parivi* of the case to a lawyer but due to misunderstanding proper *pairvi* could not be made and the bail bond of the petitioner was cancelled. There is no deliberate fault on part of the petitioner. The petitioner is in custody since 04.10.2024.

3. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioner did not appear on a number of dates and no *parivi* has been done as it transpires from the rejection order of the learned Additional Sessions Judge, Gopalganj.

4. Having regard to the facts 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 A.D.J. IV-cum-Special Judge Excise II, Gopalganj/concerned court, in connection with Excise Gopalganj P.S. Case No. 57 of 2022, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure 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 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.

5. However, it is made clear that if the petitioner violates any of the conditions stern view may be taken in case of further misuse of privilege of bail.

**(Arun Kumar Jha, J)**

Anuradha/-

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