

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89065 of 2024

Arising Out of PS. Case No.-85 Year-2001 Thana- NAWANAGAR District- Buxar

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Ramji Mahto @ Ramjee Singh, S/o Late Kashi Nath Mahto @ Kashi Mahto,
R/o Village- Madiya, P.S.- Nawa Nagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-01-2025 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 Sessions Trial No. 11 of 2017 arising out of Nawa Nagar P.S. Case No. 85 of 2001, registered for the offences under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, it is a case of misuse of privilege of bail.

4. Learned counsel for the petitioner submits that the petitioner has been granted bail by the learned Additional Sessions Judge-IV, Buxar on 05.05.2017 and charges framed on 04.02.2017. Thereafter, no prosecution witness turned up for recording the evidence. On 31.08.2023, petitioner was



represented through his lawyer and an application under Section 317 of the Cr.P.C. has been filed and no prosecution witness was in appearance while the bail bond of the petitioner was cancelled. Learned counsel further submits that petitioner was out of State for earning his livelihood and he was represented through his lawyer. There is no deliberate latches on the part of the petitioner to avoid trial. Learned counsel for the petitioner undertakes that the petitioner remain physically present before the learned trial court on each and every date fixed, till disposal of the case. Petitioner is in custody since 28.09.2024.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions 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-2nd, Buxar/concerned court, in connection with Sessions Trial No. 11 of 2017 arising out of Nawa Nagar P.S. Case No. 85 of 2001, 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 physically present on each and every date fixed by the court below.
- (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)

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