

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89940 of 2025

Arising Out of PS. Case No.-41 Year-2010 Thana- ITARHI District- Buxar

1. Shri Bhagwan Yadav @ Bhagwan Yadav S/O Late Shingur Yadav R/o vill - Godaipur, P.S.- Itarhi, Distt.- Buxar
2. Hararam Yadav @ Hararam Singh Yadav S/o Late Jhugur Yadav @ Jhingur Yadav R/o vill - Godaipur, P.S.- Itarhi, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 341, 323, 324, 307, 504, 379 and 511/34 of the Indian Penal Code.

3. Learned counsel for the petitioners has submitted that at the outset it is a case of misuse of privilege of bail. It has been submitted that the petitioners were released on bail by the learned trial court vide order dated 03.04.2010 and their bail bond was cancelled on 09.06.2014. It is further alleged that on 24.05.2018, their bail bond was cancelled and again on 13.06.2025, their bail bond was cancelled due to non-appearance of the petitioners.

4. Learned counsel for the petitioners has submitted that now the petitioners will abide by the order of the Court and will not misuse the privilege of bail. The petitioners are in judicial



custody since 05.11.2025.

5. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail with the condition that the petitioners shall be present on each and every date in the learned trial court and absence, if any, on any date will result in cancellation of their bail bond by the learned trial court.

6. The above named petitioners are directed to be released on bail in connection with Itarhi P.S. Case No. 41 of 2010 on furnishing bail bond of Rs.10,000/- (ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Buxar.

7. Since it is a case of the year 2010, before parting, I would like to note that **it is very strange that even the officer in the cadre of ADJ are not able to understand the plight of the litigant and on the simple misuse of bail, their bail is rejected. This shows that either the concerned court is unaware of its jurisdiction or does not know to exercise its jurisdiction.**

(Ashok Kumar Pandey, J)

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