

In the court of VIIIth Addl. Sessions Judge,  
Bhojpur, Ara.

Sessions Trial No. 146/2012

O R D E R

09.11.2023

Record put up for orders on the petition filed on behalf of the prosecution submitting therein that Shiv Shankar Prasad Yadav @ Shiv Shankar Yadav, R/o-Barki Singhi, P.S.-Ara Town stood as bailor for accused Kamlesh Kumar @ Raju. It has been submitted that accused Kamlesh Kumar @ Raju is absconding in this case. Ld. Spl P.P. has submitted to forfeit the surety amount of the surety Shiv Shankar Yadav.

This court issued notice to the bailor Shiv Shankar Prasad Yadav @ Shiv Shankar Yadav on the submissions of the ld. Spl. P.P. and a notice was given to the SHO Ara Town on 26.09.2023 and in compliance of the same a notice was given by SHO Ara Town to the bailor to appear before the court and explain. In compliance of the same a show cause has been filed by the bailor on 19.10.2023 submitting therein that he stood as bailor but has become old and is suffering from heart disease and has also been operated. It has been submitted that he searched the accused Kamlesh Kumar but could not find him and came to know that he was abducted on 25.12.2019 and since then no trace of the accused is available and for the said abduction his elder brother Manoj Kumar lodged Ara Town P.S. Case No. 01 of 2020 on 01.01.2020 against unknown. It has been submitted that since the accused is trace-less he can not produce him as such he may be expunged from the liability of surety.

I have heard the submissions and gone through the materials available on the record. It transpires that the petitioner Shiv Shankar Prasad Yadav @ Shiv Shankar Yadav stood surety for accused Kamlesh Kumar @ Raju for an amount of Rs.10,000/-. It appears that the bail bond of accused Kamlesh Kumar @ Raju was accepted on 28.03.2012. It appears that the petitioner has admitted the fact that he can not produce the accused.

In such circumstances the bail bond furnished by the petitioner Shankar Prasad Yadav @ Shiv Shankar Yadav who stood as surety for accused Kamlesh Kumar @ Raju stands forfeited. The petitioner Shiv Shankar Prasad Yadav @ Shiv Shankar Yadav is directed to deposit an amount of Rs.10,000/- in the Najarat

of the Civil Court and after depositing the forfeited amount the surety Shankar Prasad Yadav @ Shiv Shankar Yadav shall stand discharged from the liability of bail bond. It is made clear that as the surety Kamlesh Kumar @ Raju has been abducted on 25.12.2019 and Ara Town P.S. Case No. 01 of 2020 has been lodged on 01.01.2020 for his abduction and the case is still at the stage of investigation as such if it comes on the record that on the date of issuance of notice to the surety Shiv Shankar Prasad Yaav @ Shiv Shankar Yadv accused had died, the amount forfeited and deposited by the petitioner in Najarat would be returned to the surety Shiv Shankar Prasad Yadav @ Shiv Shankar Yadav.

With the aforesaid petition dated 09.11.2023 stands **allowed**.

Put up on 30.11.2023 for further proceeding.

**Dictated**

**(Neeraj Kishore)**  
**Addl. Sessions Judge-VIII.**  
Bhojpur at Ara.  
**Dated: 09.11.2023.**