

In The Court of 21st Additional Sessions Judge Motihari, East Champaran
S. Tr. No. - 748/09
CIS- 5017/16

16.12.2021

Order

The surrender-cum-bail petition has been filed on behalf of the petitioner/accused namely Mani Bhushan @ Raju in connection with Chiraiya P.S. case no. 137/09, S.Tr. no. 748/09. Accused/petitioner has been taken into judicial custody. The copy has been served to Ld. P.P. Heard and perused the record.

Ld. Counsel on behalf of the petitioner/accused has submitted that it is a simple case of misuse of privilege of bail and the petitioner is alleged to have misused the same as a result of which his bail bond was canceled on 17.11.2021 and subsequently N.B.W. was issued. It has further been submitted that the petitioner has not misused the privilege of bail deliberately or knowingly, rather it took place due to unjust act of the 'pairvikar' who left his 'parivi' without informing him. Actually the case record was fixed for hearing on law point and the pairvi of the petitioner was also left to be filed mistakably. On the knowledge, the petitioner is appearing today without delay with a prayer for bail and deserve mercy. The petitioner undertakes to remain present on each and every date and he won't be at default in future so he may be released on bail.

Ld. Addl.P.P. has opposed the bail petition of the accused.

Having gone through the case record and the submissions as urged at bar, it is evident that the bail bond of the petitioner Mani Bhushan @ Raju has been cancelled on dated 17.11.2021. It is the first misuse of bail by petitioner. From perusal of record it transpires that the case is pending for final disposal and the accused/petitioner had left doing proper 'pairvi' since dated 26.04.2021. The accused has left doing proper pairvi since long as such in default of proper parivi on several direction his bail bond has been cancelled.

Taking into consideration all facts and circumstances as above discussed and further considering the reasons explained by the petitioner/accused for his default, the petitioner Mani Bhushan @ Raju is allowed to be released on furnishing bail bond with two sureties of Rs.10,000/- (ten thousand) of like amount each, to the satisfaction of the Court with direction that the accused person shall remain present on each and every date till disposal of the case.

(Dictated)
Sd/-
(Shachi Mishra)
21stAddl. Sess.Judge, Motihari