

In the Court of Vth Additional District & Sessions Judge, East Champaran, Motihari

S.Tr. 1181/2017

31-07-2019. A bail petition has already been filed on behalf of custody accused Prabhakar Kumar @ Chintu on 30-07-2019 in connection with Sessions Trial No. 1181/2017. Copy of aforesaid petition has already been furnished to the Ld. Addl. P.P. Motihari. Case called out both parties appeared before the court. The Ld. Counsel appearing on behalf of this petitioner submitted that petitioner enjoying the privilege of bail since long, on 30-07-2019 one witness Rajan Kumar was in attendance, but no pairavi filed on behalf of the petitioner due to non appearance of the defence. The bail bond of the accused canceled on 30-07-2019, ultimately petitioner attend the court after cancellation of bail bonds who remanded in this case, but it is not a case of misuse of privilege of bail deliberately or knowingly rather there is no misuse of privilege of bail, petitioner was searching his counsel in the mean time witness attended the court and on frequent call who not turn up hence bail bond canceled, petitioner penalize. Under the aforesaid circumstances he deserve sympathy, may kindly be allowed him on bail.

On the other hand the Ld. Addl. P.P. vehemently opposed the prayer of bail and submitted before the court due to none appearance of the petitioner witness could not be examined and court work hampered. He not deserve bail may kindly be rejected the same.

Considering entire facts and circumstances of the case gone through the material available on case record and further considering the argument advanced by the respective counsels of the parties, it is crystal clear that bail bond canceled on 30-07-2019, later on accused voluntarily surrendered before the court, who remanded to jail. Although, the court work hampered. Under aforesaid circumstances and having considered there is no deliberately misuse of the privilege of bail, rather it is accidental. Hence bail allowed after furnishing bail bond of Rs. 10,000 /2 sureties of like amount with witness cost Rs. 500/- with condition that petitioner not repeated the same in future.

Dictated

**Vth Addl. District & Sessions Judge,
East Champaran, Motihari.**

01-08-2019 The bail bond filed on behalf of accused Prabhakar Kumar @ Chintu along with power and documents supported with affidavits which is in order accordingly O.C. issue release order at once.

Dictated

**Vth Addl. District & Sessions Judge,
East Champaran, Motihari.**