

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-XXIII, PATNA
Sessions Trial No.974 of 2005
(Arising out of Gardanibagh P.S. case no. 504 of 2000)

ORDER
11.10.2022

The Surrender-cum-bail application dated 11.10.2022 along with the Vakalatnama has been filed on behalf of the accused petitioners, namely 1. Rakesh Kumar , S/o Ram Sundar Prasad R/o- Old Jakanpur, Ramlakhan Mahto Flat, P.S.- Jakanpur, District-Patna and 2. Amit Kumar , S/o Hans Nath Dubey , R/o Village- Chkbinda, Alkapuri, Gardanibagh, District-Patna, have been pressed today by the Learned Counsel Shri Anil Kumar Sharma. A copy of the same has already been served to the learned Additional Public Prosecutor for the State.

The accused-petitioners have surrendered before this court and have been taken into custody.

Heard Shri Anil Kumar Sharma, the learned Counsel for the petitioners and Shri. Arvind Kumar Singh, learned Addl.P.P for the State.

The learned counsel for the petitioners have submitted that the petitioner nos. 1 & 2 have been previously granted bail in this case and were on bail since 20.09.2000 and 30.09.2000 respectively. It has been submitted that the bail bonds of the petitioners have been cancelled on 23.08.2022 in default of their appearance and the non-bailable warrant was issued against the petitioners. It has further been submitted that the petitioners have never misused the privilege of bail and the bail bonds and also in future they will not misuse the same. It has been submitted that the petitioners have not intentionally or deliberately neglected to appear before the court. It has been submitted that as directed the petitioners had to appear in the court physically on dated 23.08.2022 but the concerning advocate of the petitioners could not inform them and hence the petitioners failed to appear before this court on the earlier dates fixed and bail bonds of the petitioners were cancelled vide order dated 23.08.2022. It has been submitted that the petitioners have suo-moto surrendered before the court. The petitioners have further submitted that they undertake to appear physically on each and every date in future and there is no chance of absconding or tampering with the evidence. It has further been submitted that the petitioners are ready to furnish the bail bond and prayed for bail.

Per Contra, the learned Addl.P.P opposed the prayer for bail of the petitioners.

Heard both the sides and perused the case record. From the perusal of the same it appears that the petitioners named above were already on bail. The case is running on the stage of appearance. On 23.08.2022 on repeated calls when the petitioners did not appear in the court their bail bonds were cancelled due to non-appearance and non-pairvi in the court. It is apparent from the record that this is a case of misuse of privilege of bail by the above named petitioners. The petitioners have voluntarily surrendered before this court today and prayed for bail . The petitioners undertakes to appear physically on each and every date and to do proper pairvi in future.

Considering the above mentioned facts and circumstances of the case,

Sessions Trial No.974 of 2005

submissions made by both the parties and that the petitioners have voluntarily surrendered before this court, the prayer for surrender cum bail application of the petitioners namely 1. Rakesh Kumar and 2. Amit Kumar are allowed. The Petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand only) each with two sureties of the like amount each to the satisfaction of this court.

(Dictated)

Additional Sessions Judge-XXIII,
Patna.