

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
17.10.2022

The Surrender-cum-bail application dated 17.10.2022 along with the Vakalatnama has been filed on behalf of the accused petitioner, namely Ravi Kumar , S/o Tarkeshwar Ram , R/o Village- Chkbinda, Gardanibagh, District-Patna, has been pressed today by the Learned Counsel Shri Anil Kumar. A copy of the same has already been served to the learned Additional Public Prosecutor for the State.

The accused-petitioner has surrendered before this court and has been taken into custody.

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

The learned counsel for the petitioner has submitted that the petitioner has been previously granted bail in this case and was on bail since 21.03.2001. It has been submitted that the bail bond of the petitioner has been cancelled on 23.08.2022 in default of his appearance and the non-bailable warrant was issued against the petitioner. It has further been submitted that the petitioner has never misused the privilege of bail and the bail bond and also in future he will not misuse the same. It has been submitted that the petitioner has not intentionally or deliberately neglected to appear before the court. It has been submitted that as directed the petitioner had to appear in the court physically on dated 23.08.2022 but the concerning advocate of the petitioner could not inform him and hence the petitioner failed to appear before this court on the earlier dates fixed and bail bond of the petitioner was cancelled vide order dated 23.08.2022. It has been submitted that the petitioner has suo-moto surrendered before the court. The petitioner has further submitted that he 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 petitioner is ready to furnish the bail bond and prayed for bail.

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

Heard both the sides and perused the case record. From the perusal of the same it appears that the petitioner named above was already on bail. The case is running on the stage of appearance. On 23.08.2022 on repeated calls when the petitioner did not appear in the court his bail bond was 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 petitioner. The petitioner has voluntarily surrendered before this court today and prayed for bail . The petitioner 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,

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submissions made by both the parties and that the petitioner has voluntarily surrendered before this court, the prayer for surrender cum bail application of the petitioner namely Ravi Kumar is allowed. The Petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of this court.

(Dictated)

Additional Sessions Judge-XXIII,
Patna.