

**In the Court of Additional Sessions Judge-V, Danapur**  
**Session Trial No. 168 of 1999**  
**(Arising out of Bikram P.S. Case No. 125/1996)**

State

Vs.

**Buja Singh & Ors.**

17.04.2021

The bail petition has been taken up for hearing filed through e-filing due to COVID-19 pandemic.

A petition has been filed on 01.04.2021 through e-filing due to COVID-19 pandemic is not press by the learned defence counsel for the petitioner. The learned defence counsel for the petitioner prayed that he do not want to move the petition dated 01.04.2021. The learned Addl. P.P. has no objection. Hence on the prayer of learned defence counsel for the petitioner the petition dated 01.04.2021 is disposed of as not pressed.

The fresh surrender-cum-bail petition along-with undertaking and Vakaltnama dated 13.04.2021 filed on behalf of the accused-petitioner Surendra Singh has been pressed today by the learned lawyer Sri Anil Kumar. A copy has already been served to the learned Addl. P.P. for the State.

The accused-petitioner has surrendered before the court and therefore, he is taken into judicial custody.

Later on

The learned lawyer of the accused-petitioner has submitted that the bail bond has been cancelled by this court due to no pairvi done by the petitioner pairvikar due to mistake of date and the petitioner is not physically present in this court as accused-petitioner was out of station for some livelihood. He further submitted that the petitioner came back his home then he got the knowledge of cancellation of the bail bond and issuance of the process of N.B.W. Today the petitioner has voluntarily surrendered before this court and prayed for bail. The surrender-cum-bail petition has been filed on behalf of the accused in this case and the petitioner today physically present in this court. The petitioner is the permanent resident of Patna and there is no chance of absconding and the petitioner is ready to furnish the substantial bailer and under take to do legal proper pairvi on each and every date in future. Lastly, he has submitted in the present situation of pandemic COVID-19, petitioner life is on stake inside the prison were maintaining the norms of social distancing is not possible. So, he prays the petitioner on release the bail.

On the other hand the learned Addl. P.P. fairly conceded that though there is the long misuse of bail by the petitioner but the petitioner has suo-moto surrender before the court and also conceded on the submission made by the learned defence counsel on the present situation of COVID-19.

Heard learned lawyer of the petitioner and learned Addl. P.P. for the State and perused the case record. The case is running on the stage of appearance. Due to non-appearance/non-pairvy of the accused-petitioner the bail bond was cancelled on 22.11.2013. Due to his continued non-appearance/non-pairvy the process of N.B.W. and Section 82 of Cr. P.C. was issued against the petitioner for his appearance. Accordingly, I find this is a case of misuse of privilege of bail by the accused-petitioner, but today the petitioner has voluntarily surrendered before this court and prayed for bail. The petitioner undertake to appear physically on each date and will do proper pairvy in future.

Considering the facts and circumstances of the case submission made by both the parties and the accused-petitioner voluntarily surrendered before this court and also circumstances of extraordinary situation of COVID-19 Pandemic, I think it will be proper to release the petitioner Surendra Singh on bail after furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of this court, with conditions that 1. one of the bailer must be close relative, 2. the petitioner-accused will appear physically on each and every date till disposal of the case and 3. the petitioner will co-operate in trial

(Dictated)



Additional Sessions Judge-V  
Danapur  
17.04.2021

This is certified that this is the  
true copy of the order passed by  
this court



Addl. Sessions Judge-V, Danapur