

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 26 of 2021
(Arising out of Paliganj P.S. Case No. 81/2020)

State

Vs.

Pankaj Singh & Ors.

20.04.2023

The surrender-cum-bail petition dated 20.04.2023 filed on behalf of the accused-petitioner namely Pankaj Singh, son of Suman Singh, R/o Sihi, P.S. Dulhin Bazar, District-Patna has been pressed today by the learned lawyer Sri Santosh 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 counsel for the accused-petitioner submitted that the petitioner is on bail in this case previously vide order date 17.04.2021. On 28.07.2022 the bail bond of the petitioner has been cancelled due to non pairvi. The petitioner has not committed a willful mistake. The petitioner himself had fallen ill and his mother was also ill. He was busy with her treatment and due to the death of his mother, the petitioner did not come to the learned court, due to which the bail bond was cancelled. He further submitted that the petitioner undertake to be remain present and pairvi on each and every date. So, he prays the petitioner on release the bail.

On the other hand the learned Addl. P.P. fairly conceded that the petitioner has suo-moto surrendered before the court today but also submitted that charge could not be framed due to non-appearance of the petitioner.

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 before the court the bail bond was cancelled on 28.07.2022. Due to his continued non-appearance/non-pairvy the process of N.B.W. 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, I think it will be proper to release the petitioner Pankaj 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 bailor must be close relative, 2. the petitioner-accused will appear physically on each and every date till disposal of the case, 3. the petitioner will co-operate in trial and 4. If the petitioner will not co-operate in framing of charge then the bail bond shall be cancelled suo-moto.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
20.04.2023