

In the Court of Additional Sessions Judge-III, Sheikhpura

Session Trial No. 61 of 2022

G.R. No. 1414/2015

(Arising out of Barbigha Mission O.P, P. S. Case No. 420/2015)

State

Vs.

Bittu Kumar & Ors.

31.08.2023

The surrender-cum-bail petition along-with hazari filed today on behalf of three accused-petitioners namely 1. Vikas Kumar, 2. Bittu Kumar and 3. Jitendra Kumar in connection with Session Trial No. 61/2022 pending in this court put up and moved today. A copy of this bail petition has already been served to the learned Addl.P. P. for the State.

The accused-petitioners have surrendered before the court and, therefore, they are taken into judicial custody.

Later on

Heard the learned counsel of the petitioners, as well as, Learned Addl. P. P for the state.

The learned lawyer for the accused-petitioners has submitted that the petitioners are innocent and they have not committed any offence as alleged. The petitioners were granted bail and cognizance has been taken U/ss 387, 324, 307, 120(B), 420, 471, 504, 506/34 IPC and 27 of the Arms Act and the case record is pending for appearance but petitioners could not appear before the court, as a result of which their bail bonds have been cancelled by this court and issued N.B.W and the process of Section 82 of Cr.P.C issued against them. He has further submitted that they have not misused the privilege of bail intentionally and knowingly. He has further submitted that the petitioners are under taking here, as well as, assure to the court that they will not commit such type of mistake again in future. He has further submitted that petitioners neither filed A.B.P nor regular bail before the court of Sessions, Sheikhpura or before the Hon'ble Court, Patna. He has further submitted that when the petitioners got knowledge about the cancellation of bail bonds from reliable sources then they voluntarily surrendered before this learned court and pray for bail. The petitioners are ready to obey each and every direction of this court and also ready to furnish fresh bail bond to the satisfaction of this learned court.

On the other hand, the learned Addl. P.P. did not controvert the submission of the learned defence lawyer and fairly conceded that the petitioners have suo-moto surrendered before this court and they are ready to give undertaking that they will co-operate in trial.

I have heard the rival submission of both the parties and perused the case record. The case

2.

Session Trial No. 61 of 2022

31.08.2023 is running at the stage of appearance of the accused petitioners . The petitioners were on bail but due to their non-appearance/ non pairvi, the bail bonds was cancelled on 08.02.2023 and the process of N.B.W was issued against the petitioners for their appearance and further order was given to issue process of Section 82 Cr.P.C. against the petitioners . Accordingly, I find that this is a case of misuse of privilege of bail but today the petitioners suo-moto surrendered before the court and they are ready to give an undertaking that they will co-operate in trial .

Considering the facts and circumstances of the case, submission made by the parties and the accused-petitioners voluntarily surrender before this court, I think it will be proper to release the accused-petitioners namely 1. Vikas Kumar and 2. Bittu Kumar on bail after furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of this court, with conditions that (1) The petitioners accused will co-operate in trial, (2) The petitioners accused will give an under taking that they will present physically before the court till framing of charge, (3) It is further ordered that petitioners shall be represented through their learned counsel on each and every date fixed by the court and shall remain physically present as directed by this court (4) One of the bailors shall be the close relatives of the accused petitioners.

(Dictated)

Additional Sessions Judge-III

Sheikhpura

31.08.2023