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Raju Kumar Gupta @ Raju Vs. State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Raju Kumar Gupta @ Raju

Respondent : State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.32578 of 2009 ========== Raju Kumar Gupta @ Raju son of late Ramchandra Prasad Gupta, resident of Mohalla-Swarajpuri Road, Gaya, P.S.-Kotwali, District-Gaya. .... Petitioner Versus The State Of Bihar .... Opposite Party ========== CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA ORAL ORDER (Per: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

19. 01-2012 Heard learned counsel appearing on behalf of petitioner and learned A.P.P. for the State. The accused-petitioner has approached this Court under Section 482 of Code of Criminal Procedure to quash the order dated 19.08.2008, passed in S. Tr. No. 160 of 2007 arising out of Delha P.S. Case No. 51 of 2006 by the Additional Sessions Judge, Fast Track Court-V, Gaya, whereby the representation petition under Section 317 of the Code of Criminal Procedure filed on behalf of accused- petitioner was rejected, cancelling the bail bond with order to issue non-bailable warrant. On perusal of the impugned order, it appears that

the date was fixed for hearing on the petition of discharge under Section 227 of the Code of Criminal Procedure, but none Patna High Court Cr.Misc. No.32578 of 2009 (2) dt.19-01-2012 2/2 turned up on behalf of accused petitioner while the representation petition was filed on behalf of accused petitioner under Section 317 of the Code of Criminal Procedure. As such, the learned Magistrate has rejected the representation petition filed under Section 317 of the Code of Criminal Procedure on behalf of accused-petitioner and cancelling the bail bond. Apparent, there is no illegality in the impugned order amounting to abuse of the process of the Court. Accordingly, this application is dismissed. (Rajendra Kumar Mishra, J) Safik

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