

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6805 of 2015

Arising Out of PS.Case No. -133 Year- 2013 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Upendra Ram Son of Binda Ram Resident of Village-Konhwa, P.S.-
Kotwa, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 18-03-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner has renewed his prayer for bail which was earlier rejected vide order dated 6.8.2014 passed in Cr. Misc. No. 26323 of 2014 on the ground that the case was registered under Section 376 and other allied sections of the Indian Penal Code but after completion of investigation chargesheet has been submitted under Sections 376/511 and other allied sections of the Indian Penal Code and further two witnesses have been examined and both have been declared hostile including Gotini of the informant, and as such, the petitioner who is suffering in custody deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that chargesheet has been submitted under Sections 376/511 of the Indian Penal Code and two witnesses examined have not supported the prosecution case and further considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, East Champaran at Motihari in Sessions Trial No. 605 of 2014 arising out of Kotwa P.S. Case No. 133 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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