

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42789 of 2015

Arising Out of PS.Case No. -126 Year- 1997 Thana -MEHANDIA District- JEHANABAD

Kamakhya Singh son of Late Haridwar Singh resident of village - Baruhi,
Police Station - Charpokhari, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-09-2015 Heard both sides.

The petitioner seeks bail in Mehandia P.S. Case no. 126/1997, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and 27 of the Arms Act.

The informant named 26 persons and alleged that they along with other unknown persons made indiscriminate firing killing many persons on the spot. The petitioner is not named in the FIR. Name of the petitioner figured in the case at the very belated stage which appears from para 449, 450, 456 and 458. The charge-sheet was submitted against the petitioner showing the petitioner absconder.

It is submitted that no procedure was followed declaring the

petitioner absconder. Named accused persons faced trial and all the accused persons named in the FIR have already been acquitted. The petitioner knew about the allegation made against him only after issuance of process under Section 82, 83 of the Cr.P.C. On 28.01.2015, the petitioner had prayed for anticipatory bail. Thereafter the petitioner surrendered in the court on 12.06.2015, since then he is in jail.

Learned Spl. P.P. has submitted that the petitioner appeared in the court after 17 years of the occurrence.

From perusal of the record, it appears that the name of the petitioner figured in the case at the very belated stage and the petitioner was declared absconder without following the process of law. The process under Section 82, 83 of the Cr.P.C. was directed to be issued on 07.07.2011 and the same was issued on 28.01.2014.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Mehandia P.S. Case no. 126/1997.

(Prabhat Kumar Jha, J.)

Rakhi/-

U		T	
---	--	---	--