

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34221 of 2015

Arising Out of PS.Case No. -43 Year- 2009 Thana -MALI District- AURANGABAD

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1. Awadhesh Singh S/o Late Naurang Singh Resident of Village Mahuari,
P.S. Baroon, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-11-2015

Photo copy of supplementary case diary has been received.

Heard learned counsel for the petitioner and learned counsel
representing the State.

The petitioner seeks bail in connection with Mali P.S.
Case No. 43 of 2009 registered for the offence punishable under
Sections 147, 148, 149, 341, 323, 379, 435, 504 of the Indian Penal
Code, Section 27 of the Arms Act and Section 17 of C.L.A. Act.

It is submitted that similarly situated co-accused Birbal
Paswan and Jawahar Ram have already been allowed bail vide order
dated 25.06.2010 and 10.12.2012 passed in Cr. Misc. No. 20317 of
2010 and 40287 of 2012 respectively and the case of the petitioner also
stands on similar footing as he is also not named in the FIR and after
arrest he has not been put on test identification parade and without
tangible material name of the petitioner has been implicated on the

basis of confessional statement of co-accused and besides that there is nothing against the petitioner. The petitioner is suffering in custody since 21.04.2015. He undertakes to remain present on each and every date before the trial court fixed in this case.

Learned APP fairly submits that co-accused Birbal Paswan and Jawahar Ram have been allowed bail.

In the facts and circumstances stated above, 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 learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No. 43 of 2009, 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.

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(Jitendra Mohan Sharma, J)

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