

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6188 of 2016

Arising Out of PS.Case No. -61 Year- 1998 Thana -BARHARIA District- SIWAN

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Raj Kumar Sharma son of Bishwanath Sharma resident of village- Rampur
P.S. Siwan (Muffasil), District Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pathak, Advocate.

For the Opposite Party : Mr. Iftekhar Mahmood(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions
Trial No. 492 of 2015, arising out of Barharia P.S. Case No. 61 of
1998 registered for the offences punishable under Sections 302
and 392 of the Indian Penal Code.

Allegedly, three motorcycle borne criminals shot
Tabrez Alam and fled away with his motorcycle also. During
investigation, one co-accused Ranjan Singh @ Guddu Singh was
caught with the said motorcycle and he stated the name of the
petitioner that the petitioner fled away after leaving the
motorcycle.

Submission is of false implication and that the name
of the petitioner has come after six months of the occurrence, the
alleged confessional statement of co-accused made before the

police has got no evidentiary value in the eye of law, the petitioner had voluntarily surrendered on 03.10.2015 and since then he is in custody, there is no legal and tangible material against him as nothing has been recovered from his conscious possession and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has been declared absconder and thereafter he has surrendered.

In the facts and circumstances stated above, considering the detention of the petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge F.T.C.1st, Siwan, in connection with Sessions Trial No. 492 of 2015, arising out of Barharia P.S. Case No. 61 of 1998, subject to conditions that one of the bailors must be 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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