

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12970 of 2016

Arising Out of PS.Case No. -174 Year- 2009 Thana -RIGA District- SITAMARHI

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1. Babalu Jha S/o Dev Narayan Jha R/o village - Bangahi, P.S. Bairginiya,
District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 20-06-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 396 of the I.P.C

Allegedly, unknown miscreants after killing the Guard
of the Central Bank of India, Dumra Branch took away the gun
and cash of Rs. 5,00,000/-. During investigation the name of the
petitioner also transpires in the confessional statement of co-
accused Satyendra Thakur.

Submission is of false implication and that the
petitioner is not named in the First Information Report, he is in
custody since 25.08.2015 but he has not been put on the test
identification parade, other co-accused, namely, Jai Mangal Jha,

Sant Kumar Jha, Satyendra Jha @ Satyendra Thakur and Chiranjeevi Bhagat have faced trial and they have been acquitted vide Sessions Trial No. 144 of 2010 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner remained absconding and charge sheet was submitted against him showing him as absconder.

In the facts and circumstances as stated above, considering detention of the petitioner and further that other co-accused have been acquitted and as such now the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Riga P.S. Case No. 174 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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