

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12968 of 2016

Arising Out of PS.Case No. -25 Year- 2009 Thana -GOH District- AURANGABAD

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1. Dinesh Kumar @ Deodutt Kumar Son of Sri Sukhu Beldar resident of
village - Parariya, P.S. Tekari, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Madhura Nand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Goh P.S.
Case No. 25 of 2009 (G.R. No. 140 of 2009) registered for the
offences punishable under Section 396 of the Indian Penal Code
and Section 25(1-b) A/26 of the Arms Act.

Allegedly, dacoity was committed in the house of the
informant and during the course of dacoity, Ajay Sao was shot and
he died, however, one of the accused namely, Shambhu Yadav
was caught and he stated the name of the petitioner and Rakesh
Kumar.

Submission is of false implication and that besides
confessional statement of co-accused there is no other material



against the petitioner, without verifying the real culprit chargesheet has been submitted, in this case similarly situated co-accused Rakesh Kumar has already been allowed bail vide Cri. Misc. No. 30377 of 2012 by another co-ordinate Bench of this Court, the petitioner has not been put on TIP and he is suffering in custody since 29.01.2016.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner remained absconding, his prayer for pre-arrest bail was rejected by this Court on 08.05.2015 and he did not surrender and further he has got criminal antecedent also.

In the facts and circumstances stated above, considering that similarly situated co-accused Rakesh Kumar has already been allowed bail and further that other co-accused have also been allowed bail vide annexure-3 series and, as such, the petitioner is also 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 SDJM, Daud Nagar, Aurangabad in connection with Goh P.S. Case No. 25 of 2009 (G.R. No 140/2009) subject to the 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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