

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18911 of 2016

Arising Out of PS.Case No. -42 Year- 2006 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Dilip Sahani Son of Late Shiv Nandan Sahani. Resident of village-
Kajipur Thatan, P.O- Thathan Buzurg, P.S.- Hajipur Sadar, District-
Vaishali (Bihar).

.... Petitioner

Versus

1. The State of Bihar.
2. The Canara Bank, Jandaha, Vaishali.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vasant Vikas, Advocate.

For the Opposite Party : Mr. Rajan Ghoshrahe (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 07-09-2016

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

The petitioner is languishing in custody in connection
with Jandaha P.S. Case No. 42 of 2006 for the offences instituted
under Sections 395, 397, 398 of the Indian Penal Code and Section
17 of the C.L.A. Act.

The prosecution case, in brief, is that the accused
persons, who claimed themselves to be the Maoists tried to
commit robbery in the bank, after cutting the lock of the main door
but they could not succeed. It is also alleged that during course of
robbery attempt, they shot two bullets to the bank security man
namely Ganga Paswan, who succumbed to the injury and they also
tied three other security men, who were on duty.

Earlier the bail application of the petitioner was rejected
vide Annexure-1 to the present application with the direction to

Court below to conclude the trial preferably within six months from the date of receipt/production of a copy of this order.

A report was called for from the Court below regarding the stage of the case. It has been reported that none of the prosecution witnesses have been examined in the case till date. There are altogether 18 prosecution witnesses to be examined. The petitioner is in custody since 27.11.2014. The petitioner has been made accused due to mistake of fact. His name has appeared in the present case after eight years on the confessional statement of co-accused. The other co-accused has been granted bail vide Annexure-3 series to the present application.

Heard learned counsel for the State and learned counsel for the Opposite Party No.2.

It has been submitted that the petitioner is not named in the First Information Report.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 42 of 2006.

(Sudhir Singh, J.)

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