

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43887 of 2015

Arising Out of PS.Case No. -108 Year- 1991 Thana -SURYAGARHA District- LAKHISARAI

1. Shankar Sharma @ Ram Shankar Sharma Son of Late Ramdeo Sharma,
resident of village - Nandpur, P.S. - Suryagarha, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Vinay Prasad Singh @ Sanjay

For the informant : Mr. Abhinay Raj, Adv

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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

7 04-01-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with
Suryagarha P.S. Case No. 108 of 1991 registered for the offences
punishable under Sections 147, 148, 149, 364, 302 and 201 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly the petitioner and other F.I.R. named
accused persons kidnapped Gani @ Ganesh Prasad Singh from
his house in presence of his family members at the point of fire
arms and shot him dead and further cut the dead body into pieces
and threw the same in the river.



Submission is of false implication and that the petitioner was in custody in another case, co-accused Devu Singh and 12 others were put on trial in Sessions Trial No. 520B/1997 and all the 13 co-accused, similarly situated, have been acquitted by judgment dated 20.06.1998. Again co-accused Parmanand Singh was put on trial in Sessions Trial No. 1169 of 1999 and he has also been acquitted by judgment dated 29.05.2000, again co-accused Niraj Singh @ Birju was put on trial vide Sessions Trial No. 526A/1997 and he has also been acquitted. Out of 19 accused persons, three accused persons died during course of trial and others have already been acquitted and the petitioner is suffering in custody since 29.01.2015.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioner remained absconding since long but they are not in position to distinguish the case of the petitioner from other co-accused who have already been acquitted.

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 the Learned 1st Additional Sessions Judge, Lakhisarai arising out of

Suryagarha P.S. Case No. 108 of 1991 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.

sushma/-

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(Jitendra Mohan Sharma, J)