

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48675 of 2015

Arising Out of PS.Case No. -2644 Year- 2006 Thana -SARAN COMPLAINT CASE District- SARAN

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Rajesh Singh, S/o Nawal Kishore Singh R/o Vill- Hariharpur Kothi, P.S.-
Derni, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar Singh, S/o Raj Mangal Singh R/o Village- Hariharpur Kothi,
P.S. Derni, Distt- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar
For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-01-2016 Supplementary affidavit has been filed on behalf of the

petitioner, which is kept on record.

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 Complaint
Case No. 2644 of 2006 registered for the offences punishable
under Sections 147, 148, 447 and 392 of the Indian Penal Code.

Allegedly the petitioner and other co-accused cut away
three *gamhar* trees of the complainant being armed with lethal
weapons and further snatched wrist watch and cash of Rs. 4500/-.



Submission is of false implication due to enmity, the complainant filed the complaint case after much delay without any reasonable explanation, after cognizance no summon was ever served against the petitioner, resulting he did not appear earlier and after his arrest he is suffering in custody since 11.09.2015. The complainant is himself an accused in several cases and earlier also the complainant has lodged the case against the petitioner in which during investigation the allegation was found false.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner remained absconding since long and by order dated 13.04.2010, he has been declared absconder. A revision petition was filed against the order dated 13.04.2010 which was also dismissed but he did not surrender and remained absconding. Other co-accused are still absconding.

In the facts and circumstances stated above, considering that this case is based on complaint case and from impugned order, it reveals that there is no service report of summon against the petitioner and, as such, 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 Judicial Magistrate, 1st

Class, Saran at Chapra in Complaint Case No. 2644 of 2006 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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