

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58517 of 2015

Arising Out of PS.Case No. -60 Year- 2009 Thana -KURTHA District- JEHANABAD

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1. Satyender Mahto S/O Late Ramchander Singh Resident of Village - Sewa Bigha , P.S.- Kurtha , Distt.- Arwal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-03-2016 Heard learned counsel for the petitioner, the learned counsel for the informant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kurtha P.S. Case No. 60 of 2009 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The petitioner is not named in the First Information Report and it is alleged that some un-known after committing rape might have killed Sunita Kumari, the daughter of the informant. During investigation, after about one month one Gopal Yadav has got recorded his statement under Section 164 Cr.P.C. alleging the petitioner along with other four persons as suspects to the said occurrence.



Submission is of false implication and that besides the statement of Gopal Yadav, there is nothing against the petitioner, he was not aware about this case resulting he did not surrender earlier and without any service report, he has been declared absconder, the petitioner was living at Ranchi where he was working in furniture shop vide annexure-2. Other co-accused Gobardhan Yadav and Devi Dayal Singh have been allowed pre-arrest bail whereas, Damodar Yadav has been allowed regular bail and, as such, the petitioner who is suffering in custody since 06.11.2015, deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner remained absconding.

In the facts and circumstances stated above, considering the detention of the petitioner, now he 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 Addl. District & Sessions Judge-V, Jehanabad in connection with Kurtha P.S. Case No. 60 of 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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