

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43699 of 2016

Arising Out of PS.Case No. -203 Year- 2004 Thana -CHANDAULI District- GAYA

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1. Adil Khan @ Adil Mian Son of Isteyaque Khan, Resident of Village-
Mandeya, P.S.- Chhatarpur, District- Palamu, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar

For the Opposite Party/s Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 29.11.2016

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

An unknown dead body was recovered and on the basis of
fardbeyan of local chaukidar, present case was initially instituted
against unknown person under section 302 of the Indian Penal Code
but in course of investigation, dead body was identified and it came to
light that the deceased was khalasi and in course of dacoity, he was
killed by dacoits. However, one Dilip Kumar was arrested and made
his confessional statement disclosing the involvement of the petitioner
and others in the present crime. Looted articles were recovered from
the godown of one co- accused Ashok Kumar Chaurasia whereas
looted truck was recovered in abandoned condition.

Submission on behalf of the petitioner is that except the
confessional statements of co- accused persons as well as some
criminal antecedent of the petitioner, there is nothing against him. It is

further submitted that petitioner had no knowledge about the institution of the present case and that was the reason he could not surrender before the court below.

It would appear from perusal of the case diary that except confessional statements of co- accused persons, there is nothing against the petitioner. Moreover, police after investigation has already submitted charge sheet under sections 396 and 412 of the Indian Penal Code.

No doubt, petitioner could be remanded in this case after 12 years of the alleged occurrence but considering the materials as well as facts and circumstances of the case, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge IX, Gaya in Sessions Trial no. 23 of 2016/ 556 of 2010 arising out of Chandauti P.S. Case no. 203/2004 subject to the condition that petitioner shall attend the learned trial court in person on each and every date for the period of one year or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

shahid

(Hemant Kumar Srivastava,J)

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