

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6569 of 2016

Arising Out of PS.Case No. -5 Year- 2004 Thana -KUTUMBA District- AURANGABAD

=====

1. Dina Prajapati Son of Late Rameshwar Prajapati Resident of Village -
Banua, P.S. - Dhibra, District - Aurangabad. Petitioner

Versus

1. The State of Bihar ... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

=====

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

ORAL ORDER

2 26-02-2016

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

Petitioner seeks bail in connection with Kutumba (Amba)
P.S. Case No. 05 of 2004 registered for the offences punishable
under Sections 147, 148, 149, 307, 353 of the Indian Penal Code,
Section 27 of the Arms Act and Section 16 C.L.A. Act.

The petitioner is not named in the first information report
wherein it has been alleged that about 100 unknown extremist
committed rioting, obstructed the public servants from doing their
official duty and further fired upon the Police personnel to kill
them. During investigation the name of the petitioner transpires in
confessional statement of co-accused Bijendra Yadav.

It is submitted that the petitioner was not aware that he is
wanted in this case, no summon was ever served upon the

petitioner, no process has been served upon the petitioner and he has been remanded in this case on 18.09.2014 and since then he is suffering in custody whereas several co-accused persons have already been allowed bail.

Learned APP fairly submits that this is a case of the year 2004.

In the facts and circumstances stated above, considering the period of detention, 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 Ist Additional Sessions Judge, Aurangabad in S. Tr. No. 275 (A)/10/2/15 arising out of Kutumba (Amba)P.S. Case No. 05 of 2004, subject to the conditions that one of the bailors must be a 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)

avin/-

U		T	
---	--	---	--