

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12070 of 2016**

Arising Out of PS.Case No. -197 Year- 2005 Thana -EKANGARSARAI District- NALANDA  
(BIHARSHARIFF)

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1. LALAN PD. @ LALAN KR. @ LALAN YADAV, Son of Late Bhonu Gope @ Bhonu Das, Resident of Village- Mosimganj, Police Station- Ekangarsarai, District- Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sahin Begum (App)

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

ORAL ORDER

3      02-05-2016                      Heard the learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Ekangarsarai P.S. Case No. 197 of 2005 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner remained absconding for a period of seven years and considering this aspect his prayer for bail was rejected by order dated 29.07.2015 and earlier by order dated 07.10.2013 vide Criminal Miscellaneous No. 21319 of 2014 and 15818 of 2013 but now, the petitioner wants to renew his prayer of bail on the ground that the petitioner is in custody since 13.10.2012 but trial has not been concluded within the stipulated period and in near future, it is not likely to be

concluded in spite of the order dated 29.07.2015, though, the Superintendent of Police, Nalanda was also directed in this regard. Other similarly situated co-accused have been allowed bail and the petitioner is not the assailant. The assailant is co-accused Dharmendra Yadav @ Dhurnenu Gope.

The learned A.P.P. fairly submits that the petitioner is not the assailant and now, by remaining in custody, the petitioner has been sufficiently penalized.

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 1<sup>st</sup> Additional Sessions Judge, Hilsa (Nalanda) in connection with Sessions Trial No. 611/2013 arising out of Ekangarsarai P.S. Case No. 197 of 2005, 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)**

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