

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11736 of 2016

Arising Out of PS.Case No. -74 Year- 2001 Thana -SIWAN MUFFASIL District- SIWAN

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1. Raj Kumar Sharma son of Bishwanath Sharma resident of Village-
Rampur, Bishunpur, P.S. Siwan (Muffasil) District- Siwan.... . Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 29-04-2016

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

The petitioner seeks bail in connection with Siwan
(Muffasil) P.S. Case No. 74 of 2001 registered for the offences
punishable under Sections 364, 302, 379/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The petitioner is not named accused in the first
information report wherein there is specific allegation against four
accused persons. However, after completing investigation
chargesheet was submitted against the petitioner also vide
Chargesheet No. 81 of 2005 after showing him absconder. The
petitioner has been remanded in this case from Barharia P.S. Case
No. 61 of 1998 on 17.12.2015 and thereafter, the case was
committed to the Court of Sessions.

Submission is of false implication and that against the

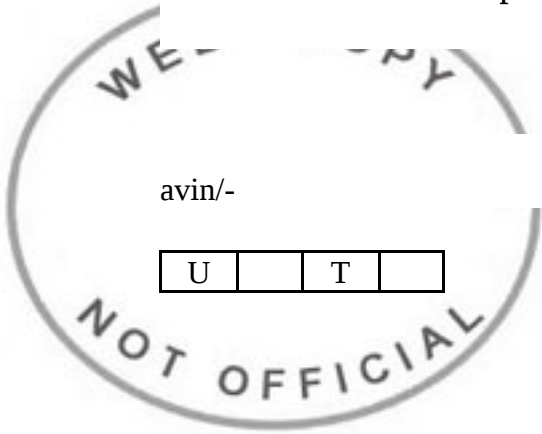


petitioner there is no material, in the first information report there is specific allegation against four FIR named accused persons but only with a view to save some of them the petitioner has been implicated but no information was given to the petitioner that he is required in this case. Two co-accused have faced trial vide Sessions Trial No. 284 of 2002 and they have been acquitted vide order dated 06.04.2011. The petitioner is also ready to co-operate in the trial and remain vigilant in future.

Learned APP submits that the petitioner has remained absent since long but from the impugned order it does not reveal that against the petitioner on the record there is any service report or execution report.

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 2nd Additional Sessions Judge, Siwan in S. Tr. No. 11 of 2016 arising out of Siwan (Muffasil) P.S. Case No. 74 of 2001, 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)