

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51965 of 2016

Arising Out of PS.Case No. -593 Year- 2010 Thana -LAKHISARAI District- LAKHISARAI

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1. SAKHUA @ LULHA @ LULLA @ MD.SAKHUA Son of Late Fakku
Miyan, Resident of village - Oraiya, P.S. + District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-12-2016

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in custody since 09.09.2015
in connection with Lakhisarai P.S. Case No. 593/2010, corresponding
to S.Tr. No. 16/2016 for offences punishable under Sections 364(A)
and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the informant's son was returning from the market and consumed
liquor with the petitioner and other co-accused. Thereafter, he could not
be traced. Subsequently, the informant received telephonic call from the
mobile of other co-accused Nehru Yadav to pay ransom.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated in the case
only on the basis of suspicion. He has no criminal history. It is further



submitted that charge-sheet has already been submitted against him and trial is going on and thus, there is no chance of tampering with the prosecution evidence. It has further been submitted that other co-accused Nehru Yadav has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 43411/2011 on 14.03.2012.

However, learned APP for the State submits that the petitioner is named in the FIR, hence, opposes the prayer for bail.

Be that as it may, considering the facts aforesaid, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge III, Lakhisarai, in connection with Lakhisarai P.S. Case No. 593/2010, corresponding to S.Tr. No. 16/2016, subject to the condition that the petitioner will remain physically present in the court below on each and every date during trial and in the event of failure on the part of the petitioner to be present on two consecutive dates without assigning any reason will be liable for cancellation of his bail bond and shall be taken into custody.

(Nilu Agrawal, J.)

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