

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45830 of 2016

Arising Out of PS.Case No. -126 Year- 2014 Thana -BHARGAWAN District- ARRARIA

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1. Ram Chandra Mehta S/o Sri Bhuvneshwar Mehta resident of Village-Tonha (Tonnaha) P.S.Bhargama, District-Araria Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Matloob Rab, APP-34

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 09-11-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected twice vide order dated 11.03.2015 and 10.02.2016 passed in Cr. Misc. No. 811 of 2015 and 49527 of 2015 respectively, on the ground that the petitioner is suffering in custody since 30.10.2014, there is no direct evidence, the case is based on circumstantial evidence and the confession of the petitioner has got no evidentiary value in the eye of law. The alleged recovery of *dupatta* is of no value and as such the petitioner deserves sympathetic consideration and he was given liberty to renew the prayer of bail but up-till-now only one prosecution witness has been examined which is evident from the impugned order dated 19.09.2016 and in near future the trial is not likely to be concluded.

Learned APP fairly submits that up-till-now only one prosecution witness has been examined and the case is based on circumstantial evidence.

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, Araria in S. T. No. 200 of 2015 arising out of Bhargama P.S. Case No. 126 of 2014, 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.

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(Jitendra Mohan Sharma, J)

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