

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4267 of 2016

Arising Out of PS.Case No. -17 Year- 2002 Thana -KHAIRA District- JAMUI

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Ramotar Yadav son of Late Dhano Yadav, resident of Village- Darima,
P.S.- Khaira, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 17 of 2002 registered for the offences punishable
under Sections 364, 302, 120(B) of the Indian Penal Code.

Allegedly, the petitioner is named in the First
Information Report along with other co-accused but after
completing investigation against the petitioner and some others,
chargesheet was not submitted and only against five accused
persons chargesheet was submitted which is evident from case
diary vide para 153 dated 31.05.2011.

On behalf of the petitioner it is submitted that in this
case two co-accused Karu Yadav and Sato Yadav have faced trial
vide Sessions Trial No. 127 of 2009 and they have been acquitted

vide Judgment dated 24.01.2011 but the petitioner is suffering in custody as against him cognizance was taken after differing with the opinion of the Investigation Officer, though against the petitioner there is no specific allegation.

The learned A.P.P. submits that witnesses have supported the prosecution case in its entirety.

In the facts and circumstances stated above, considering that two co-accused have already been acquitted and the petitioner by remaining in custody, now has been sufficiently penalized and, as such, 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 C.J.M., Jamui in connection with Khaira P.S. Case No. 17 of 2002 subject to the conditions that one of the bailors must be 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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