

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14014 of 2016

Arising Out of PS.Case No. -2 Year- 2002 Thana -ALIPUR District- GAYA

1. Anil Kumar, son of Late Deoraj Singh, resident of Village- Makhdumpur,
Police Station- Alipur and District- Gaya (Bihar). Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
For the Opposite Party/s : Mr. Binod Kr. 2, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Alipur P.S.
Case No. 02 of 2002 registered for the offences punishable under
Sections 147, 148, 149, 341, 342 and 302 of the Indian Penal Code
and Section 27 of the Arms Act and Section 17 of the Criminal
Law Amendment Act.

On the basis of fardbeyan made by the Chaukidar this
case has been registered with allegation that 10-15 miscreants
were going, catching six persons, but out of them one succeeded in
fleeing away and thereafter 9-10 round firing were made and at the
place of occurrence, five dead bodies of un-known persons were
found. The petitioner is not named in the First Information Report.
It is submitted that his name has come in the confessional
statement of co-accused Sarju Singh and besides that there is no

legal and tangible material against him, other co-accused Radhe Singh, Madan Singh @ Madan Sharma and Subhag Singh have been allowed bail and, as such, the petitioner who is suffering in custody since 06.12.2015 also deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner remained absconding resulting the trial of the case has been obstructed.

In the facts and circumstances stated above, considering that other co-accused have been allowed bail and further also considering the detention of the petitioner now, he is also 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 Sri. Prashank Kumar Jha, learned Judicial Magistrate, 1st Class, Gaya in connection with Alipur P.S. Case No. 02 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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