

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21469 of 2016

Arising Out of PS.Case No. -71 Year- 2002 Thana -FATEHPUR District- GAYA

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1. Mukhlal Bhuiyan Son of Late Mohan Bhuiyan Resident of Village -
Simariya, Police Station - Fatehpur, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birju Prasad, Advocate

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 04-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Fatehpur
P.S. Case No. 71 of 2002 registered for the offence punishable
under Section 395 of the Indian Penal Code.

This is the case of the year 2002, chargesheet was
submitted against the petitioner showing him absconder. Petitioner
has been apprehended and he is in custody since 19.12.2015.

Submission is of false implication and that the
petitioner was not aware regarding this case, he was not named in
the First Information Report, his name has come during
investigation only on suspicion and on the basis of confessional
statement of co-accused, in this case co-accused Bhola Singh @

Bhola Kahar has already been allowed bail vide Cri. Misc. No. 4433 of 2009, the petitioner has got no criminal antecedent and, as such, he also deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner remained absconding since long.

In the facts and circumstances stated above, considering the period of abscondance, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Fatehpur P.S. Case No. 71 of 2002 pending in the Court of Sri. Rohit Kumar, learned Judicial Magistrate, 1st Class, Gaya.

However, the learned Court below is directed to take positive step so that the case be committed to the Court of sessions at once and the petitioner may renew his prayer of bail after framing of charge.

(Jitendra Mohan Sharma, J)

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