

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5346 of 2015

Arising Out of PS.Case No. -261 Year- 2012 Thana -PHULWARI District- PATNA

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1. Md. Ajmeri @ Ajmeria S/O Late Hanif@Md.Mustafa Resident of vill-
Ishopur,P.S-Phulwarishariff,Distt.-Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 06-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner wants to renew his prayer for bail which was earlier rejected by order dated 01.10.2013 passed in Cr. Misc. No. 14582 of 2013 on the ground that the trial has not been concluded within one year, the time framed, and further that similarly situated co-accused Md. Sonu @ Chedi @ Sonu has already been allowed bail by order dated 06.03.2014 in Cr. Misc. No. 584 of 2014 and the petitioner is suffering in custody since 31.10.2012. The petitioner is not named in the FIR but in the further statement of the informant and her elder daughter Rani who had gone to the place of occurrence have named the petitioner also as one of the assailant as like Md. Sonu. There was no reason

for withholding the name of the petitioner in the fardbeyan when the fardbeyan was recorded in presence of Rani.

In the facts and circumstances as stated above, considering that in near future the trial is not likely to be concluded as is evident from the report of the trial judge dated 01.09.2015 and similarly situated co-accused Md. Sonu has already been allowed bail by order dated 06.03.2014 passed in Cr. Misc. No. 584 of 2014 and as such the petitioner on that ground is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 10th Additional Sessions Judge, Patna in Sessions Trial No. 710 of 2013 arising out of Phulwarisharif P.S. Case No. 261 of 2012, 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.

(Jitendra Mohan Sharma, J)

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