

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54364 of 2016

Arising Out of PS.Case No. -105 Year- 2014 Thana -KHARIK District- BHAGALPUR

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Rupesh Das, Son of Jhingo Das, Resident of Village - Kharik Bazar, P.S.
Kharik, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party : Mr. Jai Narain Thakur(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kharik
P.S Case No. 105 of 2014 registered for the offences punishable
under Section 365/34 of the Indian Penal Code and Section
3(1)(X) of S.C/S.T. Act.

It is submitted that in this case cognizance has not
been taken under S.C./S.T. Act and only cognizance has been
taken under section 364, 302, 201, 120(B)/34 of the Indian Penal
Code. After competing investigation the petitioner was not sent
up. Against him final Form was submitted but other co-accused
were sent up for trial however, cognizance has been taken against
the petitioner also the petitioner without any fault is suffering in



custody since 13.08.2016, after his surrender there is no chance of tampering with prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that after competing investigation the petitioner was not sent up for trial and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction learned S.D.J.M., Naugachia, District- Bhagalpur, in connection with Kharik P.S. Case No. 105 of 2014 (G.R. No. 798 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.

(Jitendra Mohan Sharma, J.)

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