

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47081 of 2016

Arising Out of PS.Case No. -43 Year- 2014 Thana -MASRAKH District- SARAN

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Shailendra Singh @ Shailendra Kumar Singh Son of Late Julim Singh
Resident of Village- Chanbarwan, P.S.- Mashrak, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-11-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner wants to renew his prayer for bail which was earlier rejected by order dated 08.10.2015 passed in Cr. Misc. No. 25616 of 2015 on the ground that the petitioner has voluntarily surrendered on 11.06.2014 and since then he is in custody, during trial all the charge sheeted witnesses have been examined and none of them have supported the prosecution case, the informant has compromised the case and compromise petition was also filed, the trial is pending for FSL report and for examination of the I.O and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that in the impugned order

dated 05.09.2016 it is mentioned that all the charge sheeted witnesses have been examined and none of them have supported the prosecution case.

In the facts and circumstances as stated above, as charge sheeted witnesses have not supported the prosecution case and as such the petitioner is 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 2nd Additional Sessions Judge, Saran, Chapra in Sessions Trial No. 163 of 2015 arising out of Mashrak P.S. Case No. 43 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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