

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4994 of 2016

Arising Out of PS.Case No. -205 Year- 2007 Thana -JAGDISHPUR District- BHAGALPUR

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1. Bisho Mahto Son of Late Bangali Mahto, Resident of Village Har Nagar
Harna P.S. - Goradih, District - Bhagalpur. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

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

ORAL ORDER

3 29-03-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Jagdishpur
(Goradih) P.S. Case No. 205 of 2007 registered for the offences
punishable under Sections 364A/34 of the Indian Penal Code.

Allegedly, five unknown miscreants kidnapped the
father of the informant but during investigation witnesses stated
the name of the petitioner and co-accused Bauna Pandit and
thereafter, the victim was released.

Submission is of false implication and that co-accused
Bauna Pandit was allowed bail and he has faced the trial vide
Sessions Trial No. 295 of 2010 and he has been acquitted, the
petitioner was not aware regarding this case and chargesheet was
submitted showing him absconder, the petitioner is suffering in
custody since 28.09.2015 and as such he deserves sympathetic

consideration to which learned APP opposes by submitting that the petitioner remained absconding since long.

In the facts and circumstances stated above, considering that similarly situated co-accused has already been acquitted and considering the period of detention, the petitioner above named is 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 the learned Fast Track Court I, Bhagalpur in S. T. No. 295A of 2010 arising out of Jagdishpur (Goradih) P.S. Case No. 205 of 2007, 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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