

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44952 of 2016

Arising Out of PS.Case No. -20 Year- 1995 Thana -BELHAR District- BANKA

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1. Jhunna Singh @ Pradip Singh @ Munna Singh, son of Yogendra Singh
 2. Ritesh Singh, son of Sushil Singh @ Susheel Pd. Singh,

Both are resident of Village- Beldiha, P.S.- Belhar, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with Sessions Trial No. 535 of 1997 (arising out of Belhar P.S. Case No. 20 of 1995) registered under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners is of being involved in the killing of the son of the informant.

Learned counsel for the petitioners submits that the occurrence is of February, 1995 and upon investigation, the police had submitted chargesheet against another co-accused and had given clean chit to the petitioners and pursuant thereto, the Court had also taken cognizance and issued processes only against other co-accused.



It is submitted that later on, during the trial, cognizance was also taken against the petitioners in the year 1998, but they remained unaware as they did not receive any intimation or summons from the court. It is submitted that though the petitioners had moved against the order taking cognizance dated 13.01.1998, but the same was disposed off with liberty to raise all the points at the time of framing of charge. Learned counsel submits that the incident being of the year 1995 and the petitioners having no criminal antecedent and the police also, after investigation, finding them innocent, subsequent statement of the witnesses leading to the petitioners being made accused, indicates false implication due to ulterior motives.

Learned A.P.P. submits that the petitioners were absconding.

Considering the facts and circumstances of the case and submissions of learned counsels for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners, named above, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Sri K.K.Agrawal, Addl. Sessions Judge, Adhoc-I, Banka in connection with Sessions Trial No. 535 of 1997 (arising out of Belhar P.S. Case No. 20 of 1995), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and

further that:

- (a) The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to co-operate or appear on two consecutive dates, without any sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

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