

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54345 of 2016

Arising Out of PS.Case No. -107 Year- 2005 Thana -MASRAKH District- SARAN

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Pappu Ram, Son of late Dhodha Ram, Resident of Village- Gopalbari
(Mashrak), P.S. Mashrak, District- Saran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party : Smt. Renuka Ratnakar (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 Mashrak
P.S Case No. 107 of 2005 registered for the offences punishable
under Sections 363/366(A)/384/34 of the Indian Penal Code and
section 27 of Arms Act.

This is the case of the year 2005, the petitioner
remained absconding for last 10 years, his prayer of pre-arrest bail
was rejected by District and Sessions Judge vide A.B.P. No. 259
of 2006 and in spite of knowledge of taking cognizance he
remained absconder.

Submission is of false implication and that in this
case the petitioner was not sent up for trial, but the Chief Judicial
Magistrate, took cognizance against him also the petitioner was in
the custody of ULFA extremists, resulting, earlier he could not
surrender and as soon as he was released, he surrendered in the



Court below. Other co-accused have already been acquitted vide Sessions Trial No. 53 of 2006. The case has been compromised. The petitioner by remaining in custody since 21.09.2016, now sufficiently penalized 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 other co-accused who has faced the trial have already been acquitted. The case has been compromised between the parties and now the petitioner by remaining in custody has been sufficiently penalized and, as such, 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 of Chief Judicial Magistrate, Saran, Chapra, in connection with Mashrak P.S. Case No. 107 of 2005, 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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