

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1957 of 2017

Arising Out of PS.Case No. -126 Year- 1997 Thana -MEHANDIA District- JEHANABAD

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Kamlesh Bhat @ Yodha Bhat, Son of Late Sunderdeep Bhat, Resident of
Village – Balbandh, P.S. – Charpokhari, District – Bhojpur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 16-11-2017

The appellant seeks regular bail in connection with Mehendia P.S. Case No. 126 of 1997, corresponding to Sessions Trial No. 536 of 2016/96 of 2016, registered for the offences punishable under Sections 147, 148, 149, 452, 307, 364 and 302 of the Indian Penal Code, under Section 27 of the Arms Act and under Sections 3(i)(ii) of the SC/ST (Prevention of Atrocities) Act.

The case is of the year 1997 and it appears that the petitioner has appeared in the year 2003 but, along with other accused persons he absconded from jail and later on he was remanded in this case again on 09.09.2013 and is in jail since 17.12.2013.

It has been submitted on behalf of the appellant that the appellant is in custody for four years and he was also in custody earlier prior to absconding for two years in the present



case. There is general and omnibus allegation. No allegation has been leveled against the appellant. It has also been submitted that impugned order shows that the trial is held up due to original record is before Hon'ble Apex Court. It has also been submitted that one of the co-accused whose case is similar to the appellant has already been granted bail by a coordinate Bench of this Court vide order dated 17.09.2015 in Cr. Misc. No. 42789 of 2015 and he is ready to abide any condition imposed on him.

Heard learned Special PP also who opposed the prayer for bail on the ground that the appellant was absconding in this case.

Having heard both sides, in view of the facts as stated above and considering the fact that the petitioner is in custody for last four years, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Jehanabad in connection with Mehendia P.S. Case No. 126 of 1997, corresponding to Sessions Trial No. 536 of 2016/96 of 2016, subject to the following conditions:

- (i) One of the bailors of the appellant shall be a



local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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