

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35001 of 2017

Arising Out of PS.Case No. -68 Year- 2009 Thana -SHERGHATI District- GAYA

=====

Sarmad Mian Son of Samsu Mian, R/o Uttarbari Mohalla, Sherghatti, P.S.-
Sherghatti, Dsitrect- Gaya. Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Sahin Begam, A.P.P.

=====

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

ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Sherghatti P.S. Case No. 68 of 2009 registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 307,
379 and 354 of the Indian Penal Code, seeks the privilege of pre-
arrest bail.

The allegation against the petitioner in the First
Information Report is that he was also present at the time of
occurrence when co-accused Kallu Mian gave knife blow upon the
informant.

Submission is of false implication that the Police after
completing investigation did not sent up the petitioner for trial and
he was not chargesheeted but differing with the findings of the
Police, cognizance has been taken. The petitioner has got no



knowledge about the same. Other co-accused have been acquitted by the learned lower court vide Sessions Trial No. 23/11/101/11 by judgment dated 26.05.2015 and, as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that the petitioner was not sent up for trial.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of the copy of this order, shall 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 S.D.J.M., Sherghatti, Gaya in connection with Sherghatti P.S. Case No. 68 of 2009, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

Vats/-

U		T	
---	--	---	--

