

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40706 of 2016**

Arising Out of PS.Case No. -23 Year- 2001 Thana -SARMERA District- NALANDA  
(BIHARSHARIFF)

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Medani Dharhi, S/o Late Ayodhaya Dharhi, Resident of Village- Manchak,  
P.S. Sarmera, District Nalanda.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.  
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**  
ORAL ORDER

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6      25-01-2017                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sarmera  
P.S. Case No.23 of 2001 registered under Section 395 of the  
Indian Penal Code.

The accusation is that when the informant having his  
licensee gun, on 10.03.2001, at about 10.00 P.M., in the night,  
alongwith his villagers was going to watch his gram crops, in the  
way, 12-13 miscreants surrounded him and snatched his licensee  
gun. While the informant and his villagers requested them to  
return the gun but they did not return the gun of the informant and  
to create fear, they also fired. Thereafter, the informant alongwith



his villagers returned to house. At that time, the informant identified three persons, namely, Damodar Dharhi, Barahan Paswan and Medani Dharhi (petitioner).

Learned counsel appearing on behalf of the petitioner submits that the petitioner had no knowledge about the present occurrence. The petitioner was apprehended by the Barh Police in connection with Barh (Belchhi) P.S. Case No.521 of 2004 on 27.05.2015 and, on facing trial, vide Sessions Trial No.507 of 2015, the petitioner was acquitted on 14.07.2016 by the court of the 1<sup>st</sup> Additional Sessions Judge, Barh, Patna. In the meantime, the petitioner was remanded in the present case on 20.08.2015 and since then he is in jail custody. Further submission is that except Barh (Belchhi) P.S. Case No.521 of 2004, in which the petitioner has already been acquitted, the petitioner has no criminal antecedent and the similarly situated co-accused Damodar Darhi has already been granted bail by a Bench of this Court vide order dated 19.08.2009 passed in Criminal Misc. No.17922 of 2009. It is further submitted that the petitioner undertakes that he will attend the trial court on each and every date fixed in the case during the course of trial.

The report, regarding the present stage of the case, as called for vide order dated 09.12.2016, has been received from the



court of the 1<sup>st</sup> Additional Sessions Judge, Nalanda at Biharsharif vide letter no.05 of 2017 dated 11.01.2017 from which it appears that the charge has already been framed against the petitioner on 10.01.2017.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera P.S. Case No.23 of 2001. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner. Further, the petitioner shall attend the trial court on each and every date fixed in the case during the course of the trial. If the petitioner fails to appear in the trial court during the course of trial on two consecutive dates without any reasonable cause being shown, the trial court would be at liberty to cancel the bail bonds of the petitioner.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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