

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16789 of 2017

Arising Out of PS.Case No. -40 Year- 2004 Thana -MEERGANJ District- GOPALGANJ

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1. Surendra Pandey, Son of Ramshray Pandey, Resident of Village- Brity Tola, (Brit Belwa) P.S.- Kuchaikote, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party : Mr. Dr. Indihar Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 03-05-2017 Heard learned counsel for the petitioner and the
learned counsel representing the State

The petitioner wants to renew the prayer of bail which was earlier rejected by order dated 26.04.2016 passed in Cri. Misc. No. 9093 of 2016, on the ground that the petitioner is suffering in custody since 11.03.2015, the F.I.R. is against unknown, during investigation the name of the petitioner has transpired, he was not aware regarding this case resulting, he has been apprehended and is in custody, besides suspicion there is nothing against the petitioner, there is no eye-witnesses of the occurrence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that in the year 2006



chargesheet was submitted showing the petitioner absconder and due to his absence the trial has been hampered. The learned A.P.P. further submits that there was direction to conclude the trial within nine months and the record was fixed for argument but the prosecution is lingering the matter and therefore the case is pending.

In the facts and circumstances stated above, considering that prosecution is lingering the matter, there was no fault of the petitioner, he has co-operated during trial and, as such, the 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 learned Additional District and Sessions Judge-VIII, Gopalganj, in connection with S.Tr. No. 349 of 2015, arising out of Mirganj P.S. Case No. 40 of 2004, 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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