

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20746 of 2017

Arising Out of PS.Case No. -25 Year- 2015 Thana -KHUDWAN District- AURANGABAD

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Awadh Mehta @ Awadh Kishore Mehta S/o Ram Deyal Mahto @
Ramdayal Mehta, Resident of Village- Bhadura, P.S.- Khudwan, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate

Mr. Rikesh Sinha, Advocate

For the Opposite Party : Mr. Binod Kumr-3 (APP-89)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-06-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail which was earlier rejected by order dated 05.07.2016 passed in Cri. Misc. No. 22185 of 2016, on the ground that the petitioner is suffering in custody since 27.02.2016, other co-accused have been allowed pre-arrest bail vide Cr. Misc. No. 48504 of 2015 but on the basis of the statement of Puja Kumari recorded in para 10 of the case diary the prayer of the bail of the petitioner was rejected. The said Puja Kumari has been examined as P.W.2 in Sessions Trial No. 571 of 2016 and she has turned hostile and did not support the prosecution version, up till now three witnesses have turned hostile, vide Annexure-3 series and, as such, the petitioner



deserves sympathetic consideration.

The learned A.P.P. fairly submits that Puja Kumari has turned hostile.

In the facts and circumstances stated above, 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 Sessions Judge, Aurangabad, in connection with Khudwan P.S. Case No. 25 of 2015 (S.Tr. No. 571 of 2016), 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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