

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9333 of 2018

Arising Out of PS.Case No. -132 Year- 2015 Thana -SIKANDARA District- JAMUI

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Bablu Mahto @ Bablu, Son of Late Sahdeo Mahto, Resident of Village-
 Kurhadih, P.S.- Sikandra, District- Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner, learned
 counsel for the informant and learned counsel for the State.

In this case, the petitioner is seeking regular bail in
 connection with Sikandra P.S. Case No.132 of 2015 (S.T. No.74
 of 2016), registered for the offence punishable under Sections
 323, 324, 326, 302 and 201/34 of the Indian Penal Code.

Allegation has been made against the petitioner to
 have perpetrated the crime and this Court on earlier two
 occasions has refused to grant bail to the petitioner. In the last
 order dated 18.10.2017 passed in Criminal Miscellaneous
 No.36444 of 2017 this Court has directed the trial Court to
 examine all the witnesses preferably within two months.



The informant has not been examined till date as submitted that there is no likelihood of his examination in view of the fact that he himself is an accused in Sikandra P.S. Case No.181 of 2015, registered for the offence punishable under Section 302/34 of the Indian Penal Code and he has been declared absconder in that case, but it is very unfortunate that a person who is absconder has filed his Vakalatnama and tried to oppose the bail of the petitioner. A person who is absconder, first he must surrender and only then his Vakaltnama can be considered for any legal purposes. Accordingly, the Vakalatnama is being returned to learned counsel for the informant. Further, it appears that all the witnesses who were examined have been declared hostile.

Having considered the aforesaid facts and circumstance of the case, let the petitioner, namely, Bablu Mahto @ Bablu be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II, Jamui, in connection with Sikandra P.S. Case No.132 of 2015 (S.T. No.74 of 2016), subject to the condition that the petitioner would co-operate in the disposal of the case and in the event of being absent on two consecutive dates



without reasonable explanation, the Court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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