

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11157 of 2021

Arising Out of PS. Case No.-163 Year-1998 Thana- BHABHUA District- Kaimur (Bhabua)

DAROGA LOHAR SON OF LATE SIRI LOHAR R/O VILL.- BELDI, P.S.-
BHAGWANPUR, DIST.- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-10-2021 Heard learned counsel for the petitioner and
learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bhabua (Sonhan) P.S. Case No. 163 of 1998, Gr. No. 743/98 registered under Sections 364 and 365 of the Indian Penal Code.

Informant has alleged loot of the tractor and that some persons have been kidnapped by unknown persons.

It is submitted by counsel for the petitioner that petitioner has remained in custody for more than one year now. He was unaware of his implication in this case about 22 years



old, and even in the course of investigation, there is no specific allegation against the petitioner. He has clean antecedents and has been implicated on suspicion because of his association with some of the co-accused persons. The submission is that alleged kidnapped persons had returned on the very next day and one of such persons had narrated the incident, but had not made any specific allegation against the petitioner. To ascertain this fact, this court had earlier called for case diary.

Learned APP has appeared. Referring to the case diary, he is not in a position to controvert the submissions.

The Court had also requisitioned the report regarding the stage of trial. It is reported that apart from framing of the charges, there is no progress in the trial.

Considering the aforesaid facts and circumstances of the case and petitioner's custody since 10.10.2020, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua (Sonhan) P.S. Case No. 163 of 1998, Gr. No. 743/98,



subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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