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Bharat Mahato. Vs.

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Court : Jharkhand Ranchi

Decided On : Apr-28-2011

Judge : Narendra Nath Tiwari, J.

Acts : Indian Penal Code (IPC) - Sections 144, 341, 353

Appeal No. : B.A. No.2261 of 2011.

Appellant : Bharat Mahato.

Respondent : The State of Jharkhand.

Advocate for Pet/Ap. : Mr. Dr. Amita Srivasta, Adv.

Judgement :

1. The petitioner is an accused in the case registered under Sections 144, 341 and 353 of the Indian Penal Code. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was earlier granted bail on 28.7.1992 and since thereafter appeared in the case for number of years till his retirement.

2. Learned counsel submitted that the case was instituted against the members of Labourers' Union while they were agitating for some demand; the case was instituted against several named labourers and about 200 unknown; the petitioner continuously appeared while he was in service; after his retirement he was told by the Union Leader that his day-to-day presence is not required and they will inform if his presence is required in the Court.

3. When the petitioner did not get any information he himself inquired about the development of the case and found that the case is pending; the petitioner, thereafter, voluntarily surrendered in the Court of Judicial Magistrate, 1st Class, Dhanbad on 21.1.2011; petitioner is a law abiding person and a local villager; there is no chance of his absconding; learned counsel submitted that he has been instructed to undertake that the petitioner shall physically appear on all the dates in the court below and participate in trial.

4. Learned A.P.P. opposed the petitioner's prayer for bail and submitted that there is a long misuse of privilege of bail by the petitioner.

5. Regard being had to the facts and 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 learned Judicial Magistrate, 1st Class, Dhanbad in connection with Jugta (Loyabad) P.S. Case No.42 of 1989, corresponding to G.R. No.1106 of 1989 with the condition that the petitioner shall physically appear in the court below on all the dates, as and when his personal appearance is required in the case.

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