

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**B.A No. 5311 of 2014**

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1. Surendra Sao @ Surendra Sahu		
2. Amar Khan		.... Petitioners
-Versus-		
1. The State of Jharkhand		
2. Shiv Kumar Oraon		..... Opposite Parties

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**CORAM : HON'BLE MR. JUSTICE H.C.MISHRA**

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For the Petitioners :	: M/s. Arun Kumar
For the State :	: M/s. Praveen Kr. Appu, A.P.P.

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2/ 31.10.2014.        Heard learned counsel for the petitioners and the learned counsel for the State.

The petitioners have been made accused in connection with Senha P.S. Case No.26 of 2011, corresponding to G.R No.127 of 2011, S.T. No. 58 of 2011, for the offence under Sections 302, 376(2)(g), 201 / 34 of the Indian Penal Code.

In view of the allegation against the petitioners of committing gang rape and brutal murder of the deceased, the bail applications of these petitioner were earlier rejected twice on merits. While rejecting the bail application of one of the petitioner, this Court, vide order dated 27.3.2012 passed in B.A. No.1862 of 2012, had taken note of the fact that all the witnesses had been examined except the I.O. of the case and the case was lingering for examination of the I.O. only. This Court accordingly, directed the Trial Court to expedite the trial.

The impugned order in the present case shows that subsequently all the witnesses were examined by the Court and the case was fixed for arguments, but the Court found that the investigation in the case was faulty and directed for further investigation in the case. The impugned order shows that the case is still pending in the Court of the learned S.D.J.M., Lohardaga, where an explanation has been sought from the police officials who had been directed to appear physically in the Court.

Learned counsel for the petitioner has renewed the prayer for bail submitting that the petitioners are in custody since more than 3½ years and they are languishing in custody for no fault on their part.

In the facts of this case, particularly in view of the fact that the Court had found that there was some faulty investigation in the case and the matter is pending enquiry against the police officials, I am inclined to release the petitioners, on bail. Accordingly, the petitioners, Surendra Sao @ Surendra Sahu & Amar Khan, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Lohardaga, in connection with, Senha P.S. Case No.26 of 2011, corresponding to G.R No.127 of 2011, S.T. No. 58 of 2011.

**(H.C.Mishra, J.)**

D.S.