

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10856 of 2015

Arising Out of PS.Case No. -192 Year- 2014 Thana -BELA District- SITAMARHI

=====

Mahesh Rai son of Garfu Rai, R/o Village- Chandi Rajwada, P.S.- Bela,
District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

For the Informant : Mr. Surendra Kishore Thakur

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-05-2015 Heard learned counsel for the parties including learned
counsel appearing on behalf of the informant.

The petitioner seeks bail in a criminal prosecution registered under Sections 307/149 and some other allied offences under the Indian Penal Code as also under Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989.

It is submitted that though the petitioner is named in the F.I.R., vide Annexure-1, as an accused and there is allegation of assault against him by butt of the Pistol, but the injuries sustained by the injured persons have been opined to be simple in nature. It is further submitted that the petitioner is in judicial custody since 14.10.2014 and the present case has been lodged on account of previous enmity.

Taking into consideration the period of incarceration and the nature of injury sustained by the injured persons, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail. The petitioner above named is directed

to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 192 of 2014, subject to the conditions that:

- (A) One of the bailors shall be government servant,
- (B) Other bailor shall be the family member or the close relation of the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--