

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32710 of 2015

Arising Out of PS.Case No. -171 Year- 2014 Thana -MURLIGANJ District- MADHEPURA

1. Bijendra Das Son of Kameshwar Das, resident of village - Rajni, P.S. - Murliganj, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Opposite Party/s : Mr. Pushpa Sinha 2(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 09-11-2015

Heard learned counsel for the petitioner as well as learned A.P.P.

The petitioner seeks bail in a case registered for the offences punishable under sections 302, 102B/34 of the Indian Penal Code.

Allegedly the petitioner and other co-accused named in the first information report started assaulting the father of the informant namely Upendra Das causing his death in the court yard of co-accused Kapurchand Das.

Submission is of false implication and due to enmity the petitioner has been named. There is no specific allegation and he is suffering in custody since 23.11.2014. There is no legal evidence and as such he deserves sympathetic consideration. From the report of the trial judge, it is apparent that up till now charge has also not been framed and trial is not likely to be concluded in near future.

Learned A.P.P. opposes the prayer of bail by

submitting that several injuries have been found on the person of the deceased.

In the facts and circumstances stated above, and considering that charge sheet has already been submitted and against the petitioner there is no specific allegation rather the allegations are general and omnibus in nature as such the above named petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of C.J.M, Madhepura in Murliganj P.S. Case No. 171 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

M.Rahman/-

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