

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35565 of 2014

Arising out of P.S. Case No. -15 Year- 2014 Thana -BENIPATTI
District- MADHUBANI

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Shushil Mahto Son of Janak Mahto resident of village- Basaitha,
P.S.- Benipatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s: Mr. Shyam Bihari Singh (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL ORDER

03. 23.01.2015

Heard learned counsel for the Petitioner, Informant
and the State.

The Petitioner seeks bail in a case instituted for the
offences under Sections 147, 148, 149, 341, 324, 307 and 379
of the Indian Penal Code.

Considering the nature of allegations against the
Petitioner, I am not inclined to grant him bail at this stage. The
prayer for bail is rejected.

However, considering the fair antecedents of the
Petitioner and the undertaking that he will be physically
present on each date of trial as also that injuries were found to
have been caused by hard and blunt substance and the reason
of the occurrence was land dispute, he may be released on bail
**after framing of charge if his case is not bifurcated for the
said purpose** on furnishing bail bond of Rs. 5,000/- (Five
Thousand) with two sureties of the like amount each or any
other surety as fixed by the Court to the satisfaction of Chief
Judicial Magistrate, Madhubani in connection with Benipatti

P.S. Case No. 15 of 2014 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 affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be physically present on each date of trial and if he fails to do so on two consecutive dates without reasonable cause, his bail shall stand automatically cancelled.

(Anjana Prakash, J.)

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