

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25160 of 2015

Arising Out of PS.Case No. -243 Year- 2014 Thana -PAROO District- MUZAFFARPUR

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1. Pappu Kumar @ Mukesh Kumar S/o Baldev Bhagat @ Baldev Bhakat
Resident of Village Khutahi, P.S. Paroo, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Smt.Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Paroo P.S. Case
No. 243 of 2014 registered for the offences punishable under
Sections 341, 323, 324, 325, 307, 302/34 of the Indian Penal
Code.

The son of the deceased knowing that his father was
being assaulted went there and saw his father injured and his
father disclosed that the petitioner assaulted with iron rod whereas
Manoj Kumar injured with knife, thereafter, Monu and Sonu
assaulted him with butt of pistol and iron rode.

Submission is that the petitioner is not the assailant,
against him there is allegation of assault with iron rod due to



which his teeth were broken, five injuries were found on the person of the deceased out of which four injuries were caused by sharp edged weapon and 5th injury caused by hard blunt object which was found on chest. On dissection 4th to 6th ribs were found fracture, laceration on lungs and chest cavity. Sonu Kumar against whom there is allegation of assault with iron rod has already been allowed bail along with Monu Kumar by another Bench of this Court vide order dated 05.05.2015 passed in Cr. Misc. No. 6140 of 2015 and the assailant is Manoj Kumar. Witness Bipin Kumar in paragraph 8 of the case diary has stated that his father told him that Manoj, Sonu and Monu have assaulted him with knife and iron rod and he has not taken the name of the petitioner.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail but not disputed the statement made in para 8 of the case diary and submitted that other witnesses have supported the presence of the petitioner.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Sessions Judge, Muzaffarpur in S. Tr. No. 211 of 2015 arising out of Paroo P.S. Case No. 243 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)

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