

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51913 of 2014

Arising Out of PS.Case No. -278 Year- 2013 Thana -NAUBATPUR District- PATNA

Mukesh Kumar, Son of Late Ramanjay Sharma, resident of village - Sharar
Rampur, P.S. Mauwatpur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate.

For the Opposite Party/s : Mrs. Rina Sinha (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

8 30-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 323, 341 and 307/34 of the Indian Penal Code and the fact that the petitioner had assaulted the informant by rod on head and the corresponding injury was found by the doctor in his injury report, this Court would not be inclined to grant privilege of anticipatory bail to the petitioner but then whatever has been produced by the learned counsel for the petitioner in supplementary affidavit showing continued treatment of the petitioner for bone T.B., both at Patna and Medanta, Gurgaon, would at least entitled him to be granted provisional bail for a period of six months.

That being so, if the petitioner, namely Mukesh Kumar surrenders before the court below within a period of four weeks

from today, he shall be released on provisional bail for a period of six months on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Nauwatpur P.S.Case No. 278 of 2013; subject to the following conditions:

(i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors 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 accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they 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 her bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so

on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

After the period of six months, the petitioner must surrender and he shall be taken into custody and thereafter he will be entitled for filing application for regular bail.

(Mihir Kumar Jha, J)

Sujit/-

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