

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21254 of 2015

Arising Out of PS.Case No. -172 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

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Paltan Mistri son of Sri Karu Mistri, resident of village- Bhagwanpur P.S
Mofassil, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

For the informant : Mr.Krishna Deo Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution originally registered under Section 307/34 and some other allied offences of the Indian Penal Code in which subsequently offence under Section 302 of the Indian Penal Code was also added.

Though the petitioner is named in the first information report vide Annexure-1 as an accused and there is allegation of assault by danda, fist and kick against the accused persons including the petitioner to the husband of the informant, but admittedly death of the deceased had not taken place on the spot and death took place during course of treatment at PMCH. The petitioner is said to be in judicial custody since 12.02.2015 and he is said to be the first offender.

Taking into consideration the aforesaid aspects, the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Nawada in connection with Muffasil Case No. 172 of 2014, subject to the following conditions:

- (A) one of the bailors must be a government servant,
- (B) another bailor shall be close family member or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with 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 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 bond of the petitioner.

(Birendra Prasad Verma, J)

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