

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45215 of 2014

Arising Out of PS.Case No. -152 Year- 2013 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Monu @ Monu Yadav son of Late Phuldeo Yadav Resident of Village -
Bhatahan Katchahari Tola, P.S. - Sugauli, District - East Champaran
(Motihari).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 07-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 143, 149, 341, 323, 324, 302 and 504 of the Indian Penal Code and that not only the FIR was filed after almost 23 days of the occurrence and that there is only omnibus allegation against the petitioner whereas the main allegation of assault is either on Ram Babu Yadav and Kishore Yadav and that the petitioner has also got no any criminal antecedent, this court would direct that if the petitioner, namely, Monu @ Monu Yadav surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S.Case No. 152 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 his 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.

It is, however, made clear that this order will be of no help and assistance to co-accused Ram Babu Yadav and Kishore Yadav against whom there is specific allegation of assault.

(Mihir Kumar Jha, J)

Sujit/-

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