

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42651 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -NARHAT District- NAWADA

=====

Parmod Singh @ Parmod Kumar @ Avinash Kumar, son of Awadhesh Singh, resident of Village and P.S.-Narhat, District-Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tharkur, Advocate

For the State : Mr. Ashok Kumar, APP

For the informant : Mr. Hansraj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 25-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/34 of the Indian Penal Code.

It is true that as per allegation in the first information report vide Annexure-1, the petitioner is alleged to have assaulted the deceased, but admittedly the death of the deceased had not taken place on the spot; rather the death had taken place during course of treatment at PMCH, Patna. The petitioner is said to be in judicial custody since 18.05.2014.

Taking into consideration the period of incarceration and further taking into consideration the fact that the death of the deceased had not taken place on the spot, 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 Sub Divisional Judicial Magistrate, Nawada in connection with Narhat P.S.Case No. 42 of 2014, subject to the following conditions:

- (A) both the bailors shall be government servants.
(B) 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
(C) 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.

Before parting with the order, this Court directs the learned Sub Divisional Judicial Magistrate, Nawada, who is in seisin of the criminal case, to commit the case of the petitioner besides others to the court of sessions, so that the trial of the petitioner as also other accused persons are taken up on priority basis.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--