

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49773 of 2014

Arising Out of PS.Case No. -215 Year- 2014 Thana -BHANGWANPUR HAT District- SIWAN

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Sant Kumar Sharma, son of Rama Shankar Sharma, resident of Village -
Paniyaih, P.S. - Bhagwanpur Hat, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh

For the Opposite Party/s : Mr. Manoj Kumar-I, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 307/34 and some other allied offences under the Indian Penal Code.

It is submitted that the accused persons as also the prosecution party are the co-sharers, which has been admitted in the FIR vide Annexure-1 itself. It is also submitted that on account of certain dispute regarding land between the parties occurrence in question had taken place. It is highlighted that, though the petitioner is alleged to have assaulted the members of the prosecution party, but injuries on their person were found to be simple in nature vide Annexure-2 series. The petitioner is said to be in judicial custody since 10.11.2014.

Be that as it may, in the facts and circumstances of the case particularly taking into consideration the period of incarceration and the fact that the charge-sheet has been submitted in the present case, the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail

bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur P.S.Case No.215 of 2014, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (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;
- (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 date, 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)

Arvind/-

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