

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10400 of 2016

Arising Out of PS.Case No. -16 Year- 2015 Thana -PIPRA District- PATNA

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1. Chandrashekhar Mistri @ Tufani Mistri, Son of Late Hitnarayan Mistri
 2. Anish Kumar, Son of Chandrashekhar Mistri @ Tufani Mistri.
 3. Manish Kumar, Son of Chandrashekhar Mistri @ Tufani Mistri. All are resident of Village- Abdalpur Pipra, P.S.- Pipara, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Pipra P.S. Case No. 16 of 2015 registered for the offences punishable under Sections 147, 148, 149, 448, 323, 324, 307 and 302 of the Indian Penal Code.

Allegedly, petitioners and other seven F.I.R. named accused persons being armed with iron rod, *Gadansi*, *Lathi*, bricks and stones came and started assaulting Chandeshwar Sharma, the father of the informant and when mother came for rescue, she was also assaulted and during treatment, the father of the informant succumbed to the injuries.



Submission is of false implication and that the alleged occurrence took place due to family dispute, there is general allegation of assault, there is case and counter case between the parties in which it is stated that it was prosecution party who assaulted the accused persons and their family members, in this case lady accused have been allowed pre-arrest bail whereas, co-accused Shyam Narayan Mishtri has been allowed regular bail and further Santosh Mishtri, Sanjeet Mishtri and Ranjeet Mishtri have also been allowed bail.

Learned A.P.P. fairly submits that there is general and omnibus allegation against the petitioners and other co-accused have been allowed bail.

In the facts and circumstances stated above, considering that petitioners are in custody since 17.06.2015 and 21.12.2015 respectively, investigation against them has already been completed and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Masaurhi in connection with Pipra P.S. Case No. 16 of 2015 subject to the conditions that one of the bailors must be near relative and another

having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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