

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10877 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -PALI District- JEHANABAD

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Madhesh Mistry s/o Late Ramswarolp Mistry, R/v Amarpur Pali, P.S. Pali,
Distt. Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 27-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Pali P.S.
Case No. 50 of 2015 registered for the offences punishable under
Sections 341, 323, 307, 504, 379/34 of the Indian Penal Code.

Allegedly, the petitioner assaulted Kamlesh Mistry, the
husband of the informant with *Khanti* on his chest causing
bleeding and further the petitioner fled away with gold earring of
the informant.

Submission is of false implication and that due to
previous enmity and land dispute, the petitioner has been
implicated in this case, for the same occurrence the daughter of the
petitioner, namely, Anju Kumari has also lodged a case vide Pali
P.S. Case No. 51 of 2015 against the informant and her husband,
both parties are own *Gotia*. The doctor has found the injuries of

Kamlesh Mistry caused by hard and blunt substance and as there was fractured in ribs and, as such, the injuries have been noticed grievous, the petitioner suffering in custody since 21.10.2015, having no criminal antecedent, deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Namita Singh, learned Sub Judge III-cum-A.C.J.M., Jehanabad in connection with Pali P.S. Case No. 50 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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