

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14735 of 2015

Arising Out of PS.Case No. -91 Year- 2013 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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Fekan Jamadar, son of Ram Swarup Jamadar, Resident of village- Dharam
Bigha, P.S.- Telhara, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 04-08-2016

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Telhara
P.S.Case No. 91 of 2013 dated 19.10.2013 instituted under
Sections 147, 148, , 302, 379, 427, 447, 448 and 504 of the Indian
Penal Code.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 19.09.2014 passed
in Cr. Misc. No. 15446 of 2014.

A report was called for from the court below and the
same has been received under Letter No. 121 dated 09.05.2016
from the 1st Additional Sessions Judge, Hilsa, Nalanda, in which it
has been stated that if the prosecution and defence cooperate, then
the trial will be concluded within six months.

The allegation against the petitioner is that he along

with three named and four-five unknown persons had assaulted the deceased and there is also allegation against the petitioner that he had taken away the box containing jewellery belonging to the mother of the informant.

It is submitted by learned counsel for the petitioner that as per the post-mortem report, there was only one injury on the head of the deceased caused by hard and blunt substance and, thus, the petitioner cannot be held to be solely responsible for the same. It is further submitted that the father of the petitioner, who is mentally instable, was assaulted, for which another case instituted by the father of the petitioner being Telhara P.S.Case No 90 of 2013 dated 19.10.2013 and the present case is by way of a counter case. Learned counsel submits that similarly situated co-accused, namely, Ram Chandra Jamadar has already been granted bail by order dated 19.11.2014 in Cr.Misc. No. 14701 of 2014. Learned counsel submits that petitioner having clean antecedent is in custody since 03.01.2014. Learned counsel submits that the charge against the petitioner can, at best, be of being a member of the mob.

In absence of learned A.P.P., who was assigned brief, the Court was left without any assistance or opposition from the State to the present application for bail of the petitioner. Though

Mr. Bhanu Pratap Singh, learned A.P.P. Incharge of the Court and Mr. Md. Arif, learned A.P.P. are present, but since they had also not been given copy of the brief by the learned A.P.P., who was assigned the matter, they were also precluded from assisting the Court.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa (Nalanda) in connection with Telhara P.S.Case No. 91 of 2013, subject to condition that petitioner shall co-operate in the trial and be present on each and every date before the court below. Failure to do so shall result in cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

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