

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53967 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -KORHA District- KATI HAR

1. Hira Mahaldar S/o late Bhagwat Mahaldar, R/o Madhura, P.s Korha, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 24-02-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 323, 324, 341, 342, 307, 504, 506 and 302 of the I.P.C

Allegedly, the petitioner and other six accused persons caught hold and assaulted the informant and his brothers, Bhim Mahaldar and Shatrughan Mahaldar. Dharmendra Mahaldar assaulted upon the head of the informant by Khanti, Bhim Mahaldar was assaulted by Ram Kumar Mahaldar and the petitioner by Khanti causing injury on his head and thereafter Shatrughan Mahaldar was assaulted, Bhim Mahaldar later on died.

Submission is of false implication and that there is general and omnibus allegation, due to land dispute the petitioner

and others have been implicated, there was free fight between the parties, there was no intention to commit murder and Raj Kumar Mahaldar @ Ram Kumar Mahaldar against whom also there is allegation of assaulting Bhim Mahaldar has already been allowed bail vide Cr. Misc. No. 55297 of 2015 by order dated 17.12.2015 by the another coordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the case of the petitioner similar to that of Raj Kumar Mahaldar @ Ram Kumar Mahaldar and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Katihar in Korha P.S. Case No. 79 of 2015, subject to the conditions that one of the bailors must be a 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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