

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8060 of 2016

Arising Out of PS.Case No. -267 Year- 2015 Thana -MARHAURA District- SARAN

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Guddu Kumar, S/o Musahib Mahto, resident of village - Asoiya P.S.
Marhowrah, Distt. Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S.Ehteshamuddin, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Marhowrah P.S. Case No. 267/15 for offences alleged under

Sections 341, 323, 324, 307/34 of the Indian Penal Code.

The Prosecution case, as lodged by the informant,

is that on 27.07.2015 at about 9.00 A.M. he was going to

Marhowrah Bazar and when he reached at Asoia Dhala petitioner

and one Nukul Kumar surrounded the informant and asked that his

family lodged the case and threatened to withdraw the case but

when informant protested then petitioner assaulted him with knife.

Informant raised alarm then both the accused fled away.

It has been submitted by the learned counsel for



the petitioner that he is innocent and has falsely been implicated in the aforesaid case due to previous enmity. It has further been submitted that no case under Section 307 I.P.C. is made out as no injury on the person of the informant has been found. Learned counsel for the petitioner further contends that there is previous case between the petitioner and the informant, which is evident from the First Information Report itself.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 learned Chief Judicial Magistrate, Saran at Chapra, in connection with Marhowrah P.S. Case No. 267/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, since the petitioner is an accused in Marhowrah P.S. Case No. 260/15 and Marhowrah P.S. Case No. 82/15, if the petitioner in future is found to have committed an offence of similar nature as the present one, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order. It is also made clear that the petitioner should file an affidavit before the court below

stating therein that he will cooperate with the investigation and will be present as and when required before the police/ court. Failure of the petitioner to appear on two consecutive dates will be a ground for cancellation of bail bonds of the petitioner.

(Nilu Agrawal, J.)

Rajesh/-

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