

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37792 of 2016

Arising Out of PS.Case No. -215 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Dharmendra Bind, Son of Dwarika Bind
 2. Thakur Bind, Son of Dwarika Bind
 3. Anil Bind, son of Achaibar Bind
 4. Dwarika Bind, Son of Late Ram Bachan Bind, All resident of village - Bharkhar, P.S. Mohania, District - Kaimur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dharmendra Kumar Singh, Advocate
For the Informant : Mr. Arbind Nath Prasad, Advocate
For the Opposite Party : Mr. Damodar Pd. Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner, the learned counsel representing the State as also the learned counsel for the informant.

The petitioner seeks bail in connection with Mohania P.S Case No. 215 of 2016 registered for the offences punishable under Section 147, 149, 307, 302, 323 of the Indian Penal Code.

Allegedly, the informant was sleeping at his door, the petitioners and other F.I.R. named accused persons came there and abused him. On protest, he was assaulted and when the father of the informant came to pacify the matter, he was assaulted on his head by co-accused Sitaram Bind and thereafter the father of the

informant died during course of treatment.

Submission is of false implication and that the petitioners are in custody since 10.06.2016, chargesheet has been submitted against the petitioners, they have got no criminal antecedent. Against the petitioners there is general and omnibus allegation, no specific injury has been attributed against the petitioners, the main allegation is against one Sitaram Bind. Similarly situated Aksharibar Bind has been allowed bail vide Cri. Misc. No. 32025 of 2016 by another co-ordinate Bench of this Court and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that when the father of the informant fell down then all the petitioners and other co-accused persons assaulted him with lathi and khanti and such, injury has also been found by the doctor.

In the facts and circumstances stated above, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 215 of 2016, 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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