

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37693 of 2016

Arising Out of PS.Case No. -61 Year- 2014 Thana -BALRAMPUR District- KATIHAR

=====

1. Md. Shamsad @ Md. Shamsad Alam @ Shamsad Ali @ Shamshad Alam
Son of Late Moulbi Gyasuddin Resident of Village Dullhapur Laucha,
Police Station - Balrampur, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier, the prayer for bail of the petitioner was
rejected by a co-ordinate Bench of this Court vide order dated
21.04.2015 passed in Cr. Misc. No.8242 of 2015 taking note of
stage as well as fact and circumstances of the case.

Petitioner is named in the first information report with
other accused and it is stated that he as well as other accused
assaulted the deceased by means of lathi and other weapons.

The post mortem of the deceased goes to show that
four injuries were found on the person of the deceased and some
witnesses claimed that it was petitioner, who assaulted the

deceased.

The trial court has reported that out of 13 proposed prosecution witnesses, 10 prosecution witnesses have already been examined and only two medical officers have been left to be examined.

Considering the aforesaid facts and circumstances as well as submissions of the parties and, particularly, keeping that all material prosecution witnesses have already been examined and petitioner is in jail custody since 28.10.2014, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-Vth, Katihar in connection with Balrampur P.S.Case No. 61 of 2014, session trial no. 01 of 2015, subject to the condition that petitioner shall attend the trial court on each and every date for the period of four months or till conclusion of his trial which ever is earlier and if he fails to do so on two consecutive dates without any reasonable cause, the trial court shall be at liberty to cancel the bail bond of the petitioner.

(Hemant Kumar Srivastava, J)

N.K/-

U		T	
---	--	---	--