

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15824 of 2016

Arising Out of PS.Case No. -110 Year- 2014 Thana -MANSAHI District- KATIHAR

=====

BISHUN DEV KEWAT @ VISHNU DEV KEWAT son of Kalicharan
Kewat resident of village- Baidangi, P.S. Mansahi, District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party : Mr. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioner, learned counsel
for the Informant and learned counsel for the State.

The prosecution case, in brief, is that on 19.12.2014 when the informant was cleaning his house, the named accused persons came there with *lathi*, *dabia*, *kulhari* and iron rod and assaulted him and when his brothers came to rescue him, they also assaulted his brothers and on *hullah* being raised, the other villagers came and seeing them, they fled away. It is further alleged that they snatched car, ring and chain from the neck of his mother and the cause of the said occurrence is land dispute. In course of treatment his brother Maya Prasad Kewat died due to injury.

The earlier bail application of the petitioner was rejected



vide Cr.Misc.No.17576 of 2015 dated 11.06.2015 with an observation that the petitioner may renew his prayer for bail after completion of nine months in custody. Thereafter, a second bail application on behalf of the petitioner was preferred vide Cr.Misc.No. 49028 of 2015 wherein it was submitted on behalf of the counsel for the informant that all the chargesheet witnesses have been examined except for the investigating officer. Taking into account the said fact, the second bail of the petitioner was also rejected with a direction to the trial court to conclude the trial within a period of three months from the date of receipt/production of a copy of this order. The present application for bail on behalf of the petitioner is the third attempt.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.01.2015. The petitioner has got no criminal antecedent. General and omnibus allegation has been made against the petitioner. No specific injury has been attributed against him. It is a case and a counter case between the parties. There is admitted land dispute also between the parties. Injury has been sustained on the accused sides also which has not been explained by the prosecution. No specific weapon has been alleged in the possession of the petitioner.

A report was called for by the trial court in the light of

the observations made in Cr.Misc.No.49028 of 2015 dated 16.12.2015. From perusal of the report, it appears that the trial has not yet been concluded.

On behalf of the State and the counsel for the Informant, it is submitted that the petitioner is named in the FIR and he has participated in the alleged occurrence along with others. .

Considering the fact that the petitioner is in custody since 29.01.2015, let the above named petitioner 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 **A.D.J.-II, Katihar in S.T. No.156 of 2015/S.T.No.157 of 2015** arising out of **Mansahi P.S.Case No.110 of 2014**.

(Sudhir Singh, J)

B.Kr./-

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