

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16766 of 2016

Arising Out of PS.Case No. -811 Year- 2013 Thana -SITAMARHI District- SITAMARHI

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Bikau Das Son of Late Tirpit Das, Resident of Village - Pamara, P.S. and District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Yogendra Prasad Sinha, Advocate.

For the Opposite Party/s : Mr. Kalayan Shankar, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-06-2016

Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 811 of 2013 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 and 504 of the Indian Penal Code.

Allegedly, the petitioner started abusing the father of the informant and when he went to make protest, he was assaulted by the petitioner and other co-accused brutally and when the informant and his brothers went for rescue, they were also assaulted. The father of the informant succumbed to the injuries and during treatment Dinesh Das one of the injured also died.

Submission is of false implication and that there is no specific allegation against the petitioner, for assaulting Dinesh Das, there is specific allegation against other co-accused Achhe Das and Kari Kumar. Earlier the petitioner was granted pre-arrest bail but later on on the petition of the informant, his pre-arrest bail

was cancelled resulting the petitioner is suffering in custody since 24.12.2015. Chargesheet has already been submitted and now there is no chance of tampering with prosecution evidence.

The learned A.P.P. fairly submits that against the petitioner there is no specific allegation but he has caused threats and then his pre-arrest bail was cancelled.

In the facts and circumstances stated above, considering the detention of the petitioner and further the chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 811 of 2013, 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.

(Jitendra Mohan Sharma, J.)

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