

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51933 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Mutaru Pandey son of Late Ramji Pandey, resident of village- Badki Kharari, P.S.- Kargahar, District- Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 26-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 323, 326, 307, 504 and 302 of the I.P.C

Allegedly, in the occurrence the petitioner and Durgesh Pandey assaulted the informant/deceased with the point of *lathi* on his stomach, whereas, co-accused Rajendra Pandey assaulted him with rod on his head.

Submission is of false implication and that the informant/ deceased was habitual thief and he was caught at the time of committing theft and the villagers have assaulted him, no motive has been assigned for committing the alleged occurrence,

two co-accused, namely, Anil Pandey and Upendra Pandey have been allowed anticipatory bail vide Cr. Misc. No. 22802 of 2015 by another coordinate Bench of this Court and co-accused Amateshwar Pandey, Mahavir Pandey and Rajendra Pandey have been allowed regular bail by this Court and the petitioner is suffering in custody since 11.05.2014 having no criminal antecedent. During investigation the witnesses vide paragraphs-44, 45 and 46 of the case diary have stated otherwise.

In the facts and circumstances as stated above, the petitioner is directed to 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 Smt. Richa Bhargav, J.M. 1st Class, Rohtas at Sasaram in Kargahar P.S. Case No. 60 of 2015, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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