

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47880 of 2016

Arising Out of PS.Case No. -1394 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Ajeet Kumar son of Devidin Prasad Resident of Village- Chamar Takiya,
P.S.- Sasaram Nagar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 05-12-2016 Heard Mr. Agrawal for the petitioner, counsel for the
informant as well as the State.

The petitioner prays for bail in Sasaram Nagar P.S. Case
No. 1394 of 2015 registered under sections 406 & 307 IPC.

As per the FIR, the informant and the petitioner had
business terms. Certain dues remained outstanding with the
petitioner which was demanded whereafter, it is alleged, the
petitioner assaulted with an iron rod on his head.

The contention of the petitioner is that the date of
occurrence, according to the FIR, is 05.12.2015, whereas the same
was lodged on 08.12.2015. On 08.12.2015 itself, the petitioner
filed a complaint case against the present informant under sections



420 & 408 IPC alleging that the dues of the petitioner had been misappropriated by the present informant. It is further stated, referring to the injury report of the informant, that the injury on the skull of the informant was opined to be simple in nature. So far as the allegation of cheating is concerned, it is a matter of accounting. However, for obtaining privilege of bail, the petitioner would be willing to deposit part of the amount which, however, should remain with the court and the same would be without prejudice to the right and defence of the petitioner.

Learned counsel for the informant, on the other hand, submits that opinion with regard to nature of injury has been reserved. A huge amount of the informant has been cheated by the petitioner.

Considering the fact that the petitioner is in custody since 06.09.2016 and the charge-sheet has already been submitted, as also the stand taken by the petitioner, the Court is inclined to direct release of the petitioner above named. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of CJM, Sasaram(Rohtas) in Sasaram Nagar P.S. Case No. 1394 of 2015 on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge, the



petitioner shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law. Apart from above conditions, the petitioner shall enclose the receipt showing deposit of Rs.1,50,000/- in court along with the bail bond(s) which the court shall be at liberty to fix deposit and the proceeds thereof shall be dependent upon the outcome of the present case.

(Kishore Kumar Mandal, J)

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