

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6015 of 2016

Arising Out of PS.Case No. -207 Year- 2015 Thana -BIRPUR District- SUPAUL

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1. Mahanand Yadav S/o Late Mungala Yadav, Resident of village-
Banailipatti, P.S.- Birpur, District- Supaul..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 05-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Birpur P.S.
Case No. 207 of 2015 registered for the offences punishable under
Sections 147, 148, 149, 323, 341, 302 of the Indian Penal Code
and Sections 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioner and other 11 accused persons
indiscriminately assaulted the mother of the informant with iron
rod and other things, resulting, she died.

Submission is of false implication and that the
prosecution party committed murder of a person for which Birpur
P.S. Case No. 67 of 2015 was registered, due to enmity the
petitioner has been implicated, only one injury was found on the
person of the deceased and as such the allegation of assaulting by
12 persons appears not reliable, in this case similarly situated co-

accused Ganesh Yadav has been allowed bail vide Cr. Misc. 8199 of 2016 by another co-ordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration to which learned APP is not in a position to distinguish the case of the petitioner from that of co-accused.

In the facts and circumstances stated above, 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 Additional Chief Judicial Magistrate, Birpur (Supaul) in connection with Birpur P.S. Case No. 207 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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