

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3985 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -BELCHAR District-
WESTCHAMPARAN(BETTIAH)

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Shek Sohrab @ Sohrab @ Shekh Sohrab @ Sheikh Sohrab, Son of Late Raisul Azam @ Rasulazam. resident of Village-Purainiya, P S.- Balthar, District- West Champaran at Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 15-02-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Balthar P.S. case No. 05 of 2015 registered for the offences punishable under Sections 341, 342, 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other accused persons named in the F.I.R. assaulted Nasim, the son of the informant with lathi and further dashed the jeep, resultantly, the son of the informant died during treatment.

Submission is of false implication and that the deceased met an accident but due to lodging of Balthat P.S. case no. 03/2015, the informant lodged this false case against the



petitioner and others, during investigation the witnesses have made contradictory statements, some witnesses state that the deceased met an accident and at that time, the vehicle was being driven by Sk. Murtaja whereas some witnesses state that the vehicle was being driven by Dhamu Sheikh @ Firoj Alam at the time of the alleged occurrence. Other co-accused namely Dhamu Sheikh @ Firoj Alam has been allowed bail in Cr. Misc. no. 33730 of 2015 and further Sheikh Lalu and Lal Sheikh have been allowed bail in Cr. Misc. no. 4699 of 2016 and the petitioner is suffering in custody since 03.10.2015.

Learned A.P.P. opposes the prayer by submitting that the petitioner and others have brutally assaulted the deceased.

In the facts and circumstances stated above, considering that other co-accused have been allowed bail and as such the petitioner 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 J.M. 1st class, West Champaran, Bettiah arising out of Balthar P.S. case No. 05 of 2015 subject to the conditions that one of the bailors must be 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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