

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31160 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

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Pintoo Sharma, son of Shiv Shankar Sharma, resident of Mahmadabad, P.S.
Babarganj, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Manoj Kumar – 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mojahidpur
(Babarganj) P.S Case No. 44 of 2016 registered for the offences
punishable under Sections 147, 148, 149, 448, 341, 504, 323, 324, 307
of the Indian Penal Code.

Allegedly, the petitioner and other seven accused persons
came at the house of the informant with arm and started abusing and
when her son Chandu Sharma and Mukesh Sharma forbade them, then
they started assaulting them with lathi, danda and iron rod and when
the informant went to save them he was also assaulted. Chandu Sharma
and Mukesh became unconscious and was brought at Mayaganj
hospital where condition was serious. Chandu Sharma died after four
days of alleged occurrence in the hospital.

Submission is of false implication and that there is land dispute between the parties, there is no specific allegation against the petitioner, allegation are general and omnibus in nature, both sides have received injuries. There was a free fight between the parties, there is case and counter case. Petitioner is suffering in custody since 25.03.2016. Charge sheet has been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tempering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 44 of 2016, 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.)

Rajiv/-

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