

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4268 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -BEERPUR District- BEGUSARAI

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1. Naresh Sharma Son of late Sagar Sharma Resident of Village- Maida Babhangama, P.S.- Birpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-02-2017 Heard the parties.

This application has been filed in connection with Birpur P.S.Case No.40 of 2016 dated 7.5.2016 for the offence under Sections 341, 323, 307, 504/34 and 302 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is omnibus allegation against the petitioner of assault on the deceased and no specific allegation has been alleged against the petitioner and earlier this case had been lodged under Section 307 of the Indian Penal Code but later on Section 302 of the IPC has also been added. The petitioner is in custody for about seven months.

Heard learned A.P.P. also, who has opposed the prayer for bail.



Having heard both sides. From perusal of record, it appears that there is omnibus allegation against the petitioner and the post mortem report shows that there is only one injury on the deceased but he died due to neurogenic and hemorrhagic shock.

Considering the aforesaid fact and the omnibus allegation against the petitioner and there is only one injury on the deceased and the petitioner is in custody for about seven months, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Begusarai in connection with Birpur P.S.Case No.40 of 2016 dated 07.05.2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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