

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7786 of 2017

Arising Out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

=====

Subhash Mistri, Son of Late Uttam Mistri, Resident of Village- Bali
Makandpur, Police Station- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-03-2017 Heard the parties.

This application has been filed in connection with Gopalpur
P.S.Case No.303 of 2012 for the offence under Sections 147, 149
and 302 of the Indian Penal Code.

It is submitted on behalf of the petitioner that general and
omnibus allegation of assault have been made against the
petitioner and other accused persons but during the course of
investigation, most of the witnesses have not supported the case of
the prosecution and the post mortem report also shows that no
external injury was found on the person of the deceased. The
petitioner is in custody since 23.11.2016.

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



Having heard both sides and in view of the fact that there is general and omnibus allegation against the petitioner and accused persons of indiscriminately assaulting, which has not been supported by the post mortem report, 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 A.C.J.M., Naugachia in the District-Bhagalpur in connection with Gopalpur Police Station Case No.303 of 2012 dated 19.09.2012.

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)

chn/-

U			
---	--	--	--

