

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23395 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

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Umashankar Vidyarthi, S/o Rajendra Prasad, Resident of Village- Karu Bigha, P.S. Nimchak Bathani, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel appearing for the informant.

Petitioner is languishing in custody since
23.03.2017 in connection with Nimchak Bathani P.S. Case No.
34/2017, G.R. No. 1691/2017, for offences punishable under
Section 307 and other allied Sections of the Indian Penal Code and
27 of the Arms Act.

The prosecution case is that while the land of the
informant was being handed over to him with the help of the Court
Magistrate and police, 30-40 persons variously armed with
weapons came to the house of the petitioner and injured his wife
and family members. 31 persons have been named in the First
Information Report.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and there was a mob attack and the petitioner had nothing to do with the land dispute which was between the informant and the villager Kapil Mahto. It is submitted that the allegations are general and omnibus against 31 persons and some of the accused persons have been granted the privilege of bail by a Coordinate Bench of this Court, one of them being Cr. Misc. No. 23621 of 2017 on 19.05.2017.

However, learned counsel appearing for the informant submits that the petitioner was instrumental in causing injury to the family and he was also one of the co-accused, who wanted to disturb the peaceful possession of the informant on his land.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Xth, Gaya in connection with Nimchak Bathani P.S. Case No. 34/17 with following conditions:



i. Petitioner will not disturb the peaceful possession of the informant.

ii. One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.

iii. The petitioner will not induce any witness or tamper with the evidence.

iv. The petitioner shall cooperate 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 reason, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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