

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29839 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -SISWAN District- SIWAN

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Kunu Mestar @ Surendra Mestar, S/o Shri Raghunath Mestar @ Raghuna Mestar, Resident of Village- Chainpur, P.S.- Siswan (Chainpur O.P.), District- Siwan. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner seeks bail in connection with Siswan (Chainpur O. P.) P.S. Case No. 132 of 2015 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 504 and 302 of the Indian Penal Code.

Allegedly, the petitioner and other FIR named accused persons came and started abusing after taking drink which was opposed by Rajesh Mestar, then co-accused Raj Kumar Mestar gave knife blow causing serious injury to Raj Kumar Mestar then Kishun Mestar came for rescue but he was also assaulted with knife, when the informant went there she was also assaulted by knife. The injured were being brought at Sadar Hospital, Siwan but Rajesh Mestar and Kishun Mestar died.

Submission is of false implication and that against the



petitioner there is no specific allegation, the specific allegation is against Raj Kumar Mestar for assaulting with knife to the deceased which is evident from paragraph 9 and 26 of the case diary and against the petitioner chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, similarly situated co-accused Tilak Mestar, Dilip Mestar and Satyenra Mestar have been allowed bail vide Cr. Misc. No. 22995 of 2016.

Learned APP fairly submits that Raj Kumar Mestar is the assailant.

In the facts and circumstances stated above, the petitioner above named 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 learned Chief Judicial Magistrate, Siwan in connection with Siswan (Chainpur O.P.) P.S. Case No. 132 of 2015, subject to the conditions that one of the bailors must be a 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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