

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35248 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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Ram Pravesh Pandey @ Ram Pravesh Yadav Son of Late Jeenbachh Pandey, R/o Village- Mahthaur Khurd, P.S.- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 30.03.2017 in connection with Phulparas P.S. Case No. 250 of 2016 for offences punishable under Sections 341, 323, 324, 325, 307, 504, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner along with other accused persons assaulted the informant's father Chotakan Yadav by means of lathi and danda. The specific allegation upon the petitioner is that he thereafter assaulted the father of the informant by axe on his neck as a result he fell unconscious.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to personal enmity for which a counter case has been lodged by the petitioner's side bearing Phulparas P.S. Case No. 257 of 2016. He submits that there is no repetition of blow and that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for more than seven months.

However, learned APP for the State opposes the prayer for bail stating therein that the injury has been caused by axe which has been specifically attributed to the petitioner.

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 A.C.J.M., Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 250 of 2016, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during



trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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