

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45304 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

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Diwakar @ Mantu Rai @ Mantu Roy S/o Deep Narain Roy @ Deep
Narayan Roy @ Sadhu Roy resident of Village - Bargaon, P.S. Alamnagar
(Ratwara O.P.), District - Madhepura (Bihar). Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Narayan, Sr. Advocate
Mr.Anant Kumar-1, Advocate
For the Opposite Party : Mr. Ramchandra Sahani, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence under sections 147, 149 and 302 of the IPC.

Counsel for the petitioner submits that the allegation
against the petitioner is of assault by lathi and iron rod on the neck
of the deceased, whereas no such injuries have been found on the
person of the deceased. A copy of the post mortem report is
contained in Annexure 5. Petitioner submits that because his wife
was candidate for Mukhia election, he has falsely been implicated
in the case and at the relevant time he was under treatment and
was in bed rest on the advice of Dr. R.K.Jha, CMO, Sadar
Hospital, Saharsa to which he has produced a medical certificate
dated 17.6.2016. Prior to the instant case, no case is pending
against him and he is in custody since 24.5.2017.

In view of the aforesaid submissions, let the petitioner as
mentioned above be released on bail on furnishing bail bond of
Rs.10,000/- each with two sureties of the like amount each to the
satisfaction of the Sub Divisional Judicial Magistrate, Uda



Kishunganj (Madhepura) in Alamnagar Ratwara Police Station Case No. 76 of 2016/GR no. 390 of 2016, on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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