

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39145 of 2017

Arising Out of PS.Case No. -26 Year- 2008 Thana -TARIYANI CHOWK District- SHEOHAR

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1. Manoj Patel Son of Late Ram Lakhan Mahto Resident of village- Aura Milkana, P.S.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 15.05.2017 on his surrender before the court below in connection with Tariyani P.S. Case No. 26 of 2008 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 302 of the Indian Penal Code and Section 17 of the CLA Act.

The prosecution case, as lodged by the informant, is that when he was sleeping in the house, at about 10.30 pm., he heard the noise of crying of his father, he opened the door and found that his father was brutally injured and murdered and 8-10 persons along with 15-20 persons had assaulted him and was shouting that why he had removed the MCC flag from the school premises.



It has been submitted by the learned counsel for the petitioner that he is innocent. His name has surfaced in this case on the basis of confessional statement of co-accused Devendra Sahani, who has since been acquitted by the court of ADJ FTC IIInd at Sheohar, Sitamarhi in S.T. No. 212 of 2009 on 24th July, 2010. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State 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 Sub-divisional Judicial Magistrate, Sheohar, in connection with Tariyani P.S. Case No. 26 of 2008 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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)

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