

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59058 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -DUMARIA District- GAYA

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Ram Das Prasad, S/o Late Chamari Mahto, R/o Village- Mandar, P.S.-
Dumariya, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Sr.Advocate
Mr. Praveen Prakash, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 15.09.2017 in connection with Dumariya P.S. Case No.28 of 2017 registered for the offence under Sections 147, 148, 149, 302, 435 and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not the main assailant, but he has been arrayed amongst eight persons who also attacked the deceased. It is further submitted that though the allegation is of attack, the injury cannot be particularly attributed to the present petitioner as many others are also said to have attacked. It is further submitted that similarly situated persons, who are among the



eight named in the F.I.R. along with the petitioner, have since been released on regular bail in Cr.Misc. No.43799 of 2017, vide order dated 15.11.2017, and also vide order dated 8.9.2017 in Cr.Misc. No.40036 of 2017.

Considering the entire facts and circumstances of the case and that the petitioner is also not having any criminal antecedents, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati (Gaya), in connection with Dumariya P.S. Case No.28 of 2017, subject to the following conditions:

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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