

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14931 of 2017

Arising Out of PS.Case No. -235 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

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Ramanand Sah @ Ramanand Prasad, son of Late Deo Narain Sah, Resident of Malighat, Bharat Mata Chowk, P.S. Mithanpura, District- Muzaffarpur, at present residing at Sri Krishna Nagar, P.S. Budha Colony, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosavai, Advocate
For the Opposite Party/s : Mr. Sri Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-04-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Gopalpur P.S. Case No.235 of 2015, registered for offences punishable under Sections 147, 148, 149, 323, 341,504, 447, 379, 354 (b) and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation in the FIR, there is general and omnibus allegation against the petitioner and other accused persons of assault and also that they torn the blouse of the informant.

It has been submitted on behalf of the petitioner that there is no specific allegation against the petitioner. The petitioner happens to be a practicing Advocate of the Lower Court and he has appeared on behalf of the accused persons in



other cases and as such, he has been implicated in this case. It has further been submitted on behalf of the petitioner that how much the informant is interested in keeping the petitioner behind the bar will appear from the fact that in the FIR she has made a general and omnibus allegation against all the accused persons but in her re-statement, which is noted in the case diary, specific allegation has been levelled against this petitioner. Apart from that, there is nothing against the petitioner.

Heard learned A.P.P. as well as learned counsel for the informant also. They have opposed the prayer for bail.

Having heard both sides and in view of the fact that the petitioner is an Advocate and there is general and omnibus allegation against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-1, Naugachia in connection with Gopalpur P.S. Case No. 235 of 2015, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further following conditions:

- (i) The bailors of the petitioner shall be local



persons having sufficient immovable property within the jurisdiction of the concerned court;

(ii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail; and

(iii) If any incriminating material other than as mentioned above, comes against the petitioner, the prosecution shall be at liberty to move for cancellation of his bail bonds.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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