

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3536 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -CHANDAN District- BANKA

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Kailash Ram Son of late Bikhpaith Ram Resident of Village- Chanduari, P.S.
Chandan (O.P. Anandpur), District- Banka. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 27-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Chandan
(Anandpur O.P.) P.S. Case No. 66 of 2016 registered for the
offences punishable under Sections 341, 323, 324, 353, 379/34 of
the Indian Penal Code in which Sections 452 and 302 IPC were
added later on.

Allegedly, the petitioner and other co-accused were
assaulting the father of the informant with lathi-danda and iron rod
and when the informant tried to rescue him they ran towards the
informant, as a result, the informant and his brothers fled away to
their house and after hearing the alarm the villagers came and then
they fled away. It is further alleged that Mukesh Ram was
strangling the neck of the father of the informant, Navin Ram
was assaulting with iron rod, Ravi Rai and Umesh Rai were



assaulting with lathi-danda and the petitioner took out Rs. 5,000/- from the pocket of the informant.

Submission is of false implication and that against the petitioner there is no specific allegation for assaulting the father of the informant, so far as the allegation of taking out Rs. 5,000/- from the pocket of the informant is concerned, the same appears not reliable as earlier the informant has stated that he fled away to his house so there was no occasion to take out the money from his pocket. The informant himself has alleged that the land dispute was going on between the parties. In this case co-accused Shankar Ram has been allowed bail vide order dated 12.01.2017 passed in Cr. Misc. No. 51329 of 2016 by another co-ordinate Bench of this Court and as such the petitioner who is suffering in custody since 17.09.2016 also deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner took out Rs. 5,000/- from the pocket of the informant and further all have assaulted the father of the informant causing his death. During post mortem five injuries have been found on the person of the deceased.

In the facts and circumstances stated above, considering the period of detention and further considering that there is no



chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Chandan (Anandpur O.P.) P.S. Case No. 66 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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