

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16895 of 2017

Arising Out of PS.Case No. -436 Year- 2016 Thana -PURNEA SADAR District- PURNIA

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1. Md. Mustaque, son of Late Md. Hanan @ Late Hanan, resident of Village- Noor Nagar, Zeromile, P.S.- Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
: Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-04-2017 The petitioner is in custody since 23.01.2017 in connection with Sadar P.S. Case No. 436 of 2016, registered for offences punishable under Sections 341, 323, 302 and 504 Indian Penal Code.

It has been submitted on behalf of the petitioner that there is allegation against the petitioner that he assaulted the deceased by means of fists and slaps and pushed him due to which he died. Further from perusal of postmortem report, it appears that there is fracture in the skull but the language of F.I.R itself shows that petitioner has no intention to kill the deceased and, therefore, no offence under Section 302 is made out against the petitioner.

Heard learned A.P.P. also.

Having heard both sides, considering the aforementioned facts and circumstances, the period of custody and also that petitioner has no criminal antecedent, let the petitioner above



named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No. 436 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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