

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6976 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Tonu Khan S/o Bachcha Khan resident -Dhanarapa, P.S.-Ramnagar,
P.S.-Ramnar, District-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-03-2017 The petitioner is in custody since 12.07.2016 in connection with Ramnagar P.S. Case No. 76 of 2016, registered for offences punishable under Sections 147, 148, 149, 323, 324, 307, 504 and 302 Indian Penal Code.

It has been submitted on behalf of the petitioner that in the F.I.R. allegation against the petitioner is that he and one Babujan Khan assaulted the deceased, Babujan Khan assaulted the deceased by lathi whereas the petitioner assaulted the deceased by brick, however the postmortem report shows that there is only one injury on the person of the deceased and that is in size of 14 inch. Later on during the course of investigation, no specific allegation was attributed to the petitioner and he has remained in judicial custody for about eight months.



Learned counsel for the State also could not controvert the above submission of learned counsel for the petitioner.

Having heard both sides, in view of the fact that only one injury was found on the person of the deceased where as allegedly two persons assaulted the deceased and the injury that has been found has not been corroborated with the assault made by the petitioner, as such, 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 SDJM, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 76 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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