

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25435 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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1. Md. Jabbar Son of Md. Ismail , Resident of Village- Ganeshpur Alam
Nagar, P.S.- K. Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with K.Nagar
P.S.Case No.193 of 2016, registered for offences punishable under
Sections 147, 148, 149, 341, 323, 324, 379 & 307 of the Indian
Penal Code.

Allegation as per F.I.R. against the petitioner is that he
assaulted the deceased by 'rod' near eye and further F.I.R. shows
that one co-accused assaulted the deceased by 'Farsa' on the scalp
and later on the deceased died.

Submission of the learned counsel for the petitioner is that
the F.I.R. itself shows that the allegation of assault on scalp is on
another co-accused and so far this petitioner is concerned though
there is allegation of assault by 'rod' but that is on the face and it



is not vital injury. There is case and counter case between the parties and the persons from the side of the petitioner has also received injuries. The petitioner is in custody for more than five months.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged 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 learned S.D.J.M., Purnea in connection with K.Nagar P.S.Case No.193 of 2016.

With 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 co-operate 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.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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