

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25982 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -SABAUR District- BHAGALPUR

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Punam Tanti Son of Late Bahadur Tanti , Resident of Village- Ghoshpur,
P.S.- Sabour, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Davendra Kumar Pandey, Advocate.

For the State : Mr. J.K. Singh, APP

For the Opposite Party : Mr. Swapnil Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 10-08-2017 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

2. The petitioner is in custody since 13.01.2017 in connection with Sabour (Goradih) P.S. Case No. 10 of 2017 for the offences alleged under Sections 302, 201/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and there is considerable delay in the institution of the F.I.R. on 11.01.2017 for the alleged occurrence of 07.01.2017. As a matter of fact, U.D. Case No. 02 of 2017 was registered on 07.01.2017 on the information of Station Master of Lailakh Railway Station when the body of the deceased was found lying on the railway track. Even during the inquest report, the brother of the



deceased was present but did not allege anything untoward at that stage. It is submitted that the death had occurred owing to accident while the deceased was travelling on the train as a railway ticket from Bhagalpur to Lailakh was also found on the body of the deceased.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu*, on the other hand, oppose the bail petition with reference to the case diary, submitting that several witnesses have supported the prosecution case and the chain of events in the occurrence. It is submitted that the petitioner was last seen with the deceased and the two persons had left together on motorcycle (paras- 63 and 64 of the case diary). Witnesses have also stated with regard to a dispute that arose among some persons including the petitioner present in the house of Diwakar Mandal.

5. A perusal of para-11 of the case diary containing the statement of the informant Md. Shamsheir reveals that in the dispute, co-accused Diwakar Mandal and Vibhishan Mandal assaulted Md. Guddu with *lathi* and caused his death.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth,



Bhagalpur, in connection with Sabour (Goradih) P.S. Case No. 10 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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