

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30083 of 2017

Arising Out of PS.Case No. -293 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Manoj Kumar Singh, son of Late Sri Narayan Singh, resident of Village-
Kodhan, P.S.- Kesariya, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Manika, Advocate

For the Opposite Party/s : Smt Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Kesaria P.S.Case No. 293 of 2016 registered for the offences
punishable under Sections 341, 323, 324, 325, 307 and 448 of the
Indian Penal Code.

Allegation as per FIR against the petitioner is of
assaulting by iron rod to son of the informant.

It has been submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case being patidar of
the informant and there is counter case also. It has further been
submitted that in paragraphs 8, 9, 19 and 20 of the case diary the
witnesses have not stated about this petitioner carrying rod, rather
allegation is against son of the informant and he is in custody for
more than three months.

Heard learned APP and learned counsel for the
informant also. They have opposed the prayer for bail stating that
in the FIR there is allegation against the petitioner.



Having heard both sides and in view of the fact that some witnesses during course of investigation has doubted the prosecution case of assault by the petitioner and further there is case and counter case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari, in connection with Kesaria P.S.Case No. 293 of 2016, subject to the conditions that :-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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