

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2792 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -BANIAPUR District- SARAN

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1. Abhay Mishra @ Pandit Mishra @ Ajay Mishra S/o Hridya Nand Mishra
Resident of Village-Lulha Dhanaw P.S. Banipur District Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-02-2017 Heard the parties.

This application has been filed in connection with Baniapur P.S.Case No.53 of 2016 for the offence under Sections 341, 323, 504 and 307/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that earlier a case was lodged under Section 307 of the Indian Penal Code but later on it was converted into Section 302 of the Indian Penal Code. It is further submitted that so far main allegation is concerned, it is against some other co-accused persons. There is omnibus allegation of assault against this petitioner, however, there is a case and counter case between the parties over the land dispute from before. The petitioner is in custody for about three months. It has also been submitted that the other co-accused, having similar allegation, have already been granted bail by Court, vide order dated 13.07.2016 passed in Cr. Misc. No.19764 of 2016.



Heard learned A.P.P. also.

Having heard both sides. In view of the fact that the main allegation is against another co-accused, Ranjit Mishra and there is omnibus allegation against this petitioner as well as on the fact that other co-accused, having similar allegation, have already been granted bail by this Court, 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 Shri Rakesh Kumar Yadav, Judicial Magistrate Ist class, Saran at Chapra in connection with Baniapur P.S.Case No.53 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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