

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45195 of 2017

Arising Out of PS.Case No. -53 Year- 2017
Thana -JAMOBazar District- SIWAN

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Mangal Pandit Son of late Sheo Gopal Pandit @ Gopal Pandit Resident of
Village- Jagapur Kothi, P.S.- Jamo Bazar, District- Siwan .. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence under sections 147, 148, 149, 341, 323, 324, 307 and 302
of the IPC.

Counsel for the petitioner submits that from perusal
of the trial court's order it would appear that the informant is not
eye witness to the occurrence. Further, there is no specific
allegation against the petitioner of assaulting husband of the
informant Osihar Pandit, the deceased. Such allegation is against
accused Gorakh Pandit. Even, as per the FIR, petitioner is aged
about 70 years and he is in custody since 6.5.2017.

In view of the aforesaid submissions, let the
petitioner as mentioned above be released on bail on furnishing
bail bond of Rs.10,000/- with two sureties of the like amount
each to the satisfaction of the Additional Sessions Judge-I, Siwan
in Jamo Bazar Police Station Case No. 53 of 2013, Sessions Trial
No. 493 of 2017, on the following conditions: -



(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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