

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38751 of 2017

Arising Out of PS.Case No. -314 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Chotak Main S/o late Sharif Mian Resident of Village- Mathia,
Rasulpur,P.S. Yogapatti, district- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Jogapatti
(Sanichari) P.S. Case No. 314 of 2016 for offences punishable
under Sections 147, 148, 149, 341, 323, 324, 504 and 302 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was getting his house plastered and his brother was
at his Ghotha the petitioner along with six others came variously
armed with Lathi and wooden 'Phatta' and threw night soil on the
roof of Bhutkun Mian (deceased) and thereafter started assaulting
him. The allegation against the petitioner is that he assaulted the
deceased with Lathi and Phatta.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and although allegation against the petitioner is of first assault but allegation is on all accused persons of hitting the deceased. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that some of the accused persons who had vicariously hit the deceased have been granted the privilege of bail by coordinate Benches of this Court one of them being Cr. Misc. No. 25452 of 2017 on 08.06.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Jogapatti (Sanichari) P.S. Case No. 314 of 2016, subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial



as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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