

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55669 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Sundeshwar Rai, Son of Heera Rai, resident of Village- Bairiya P.S.
Kesaria, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party : Mr. S. Ehteshamuddin (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 09-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kesariya
P.S Case No. 109 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 447, 323, 324, 307, 448, 380, 504 of
the Indian Penal Code.

It is submitted that the petitioner is innocent, he is in
custody since 15.09.2016, after competing investigation the police
has submitted charge sheet and cognizance has been taken under
Section 147, 148, 341, 308, 307 and 504 of the Indian Penal Code.
Injury report attached in the case diary is not inconsonance with
allegation made in the First Information Report. There is case and
counter case bearing Kesaria P.S. Case No. 107 of 2015 against



the informant Awadh Rai and others, the allegations are omnibus and general in nature and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. submits that against the petitioner there is specific allegation that he gave sword blow on the father of the informant, resulting, he received cut injury.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, now the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri D. C. Pandey, J.M. 1st Class, Sadar, Motihari, in connection with Kesariya P.S. Case No. 109 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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