

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9476 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -NAUTAN District- SIWAN

=====

1. Indrashan Rajbhar @ Indrasan Rajbhar, Son of Late Girdhari Rajbhar,
Resident of Village- Semaria, Police Station- Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 11-04-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. representing the

State.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 177 of 2016 registered for the offences punishable
under Sections 147, 148, 149, 307 and 302 of the Indian Penal
Code.

Allegedly, the petitioner and eight other co-accused
persons being armed with *Lathi* and *Farsa* started assaulting the
informant's Sister son and when the informant along with Rakesh
Pandit, Sobha Pandit, Lakshman Pandit, Shivshankar and his sister
Laxi came for rescue, they were also assaulted by the accused
persons and Shivshankar was brutally assaulted by them and he



fell down on road in unconscious condition and during the way to Siwan Sadar Hospital, he died.

Submission is of false implication and that there is case and counter case. Both sides have received injuries. There was free fight between the parties for playing cricket. There was no intention to commit murder. The assault was caused at the spur of the moment and, as such, the petitioner deserves sympathetic consideration as there is no specific allegation against him.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that all the accused persons have assaulted with an intention to kill and Shivshankar Pandit was killed.

In the facts and circumstances stated above, considering that against the petitioner there is no specific allegation and he is in custody since 07.12.2016 and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- XII, Siwan in connection with Nautan P.S. Case No. 177 of 2016 subject to the conditions that one of the bailors must be 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)

sushma/-

U		T	
---	--	---	--

