

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.521 of 2017

Arising Out of PS.Case No. -59 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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1. Madan Mahto, Son of Late Wakil Mahto, Resident of Village- Kabiraj
Tola, Bucheya, P.S. Sidhwaliya, District Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jeetendra Narayan

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 22-06-2017 The appellant seeks regular bail in connection with

Sidhwaliya P.S. Case No.59 of 2016 registered for the offences

punishable under Sections 302/34 of the Indian Penal Code and

Section 3(2) (v) 3(x) of the SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant, as per the FIR, is

that when the son of the informant went to demand the wages

from the appellant, the appellant and other accused persons

assaulted him by fists and slaps, due to which he later on died.

It has been submitted on behalf of the appellant that

there is general and omnibus allegation against the appellant of

assault by fists and slaps and no specific injury was found on the

person of the informant. The appellant is in custody for about nine

months.

Heard learned Special P.P. also, who has opposed

the prayer for bail.



Having heard both sides, in view of the general and omnibus allegation of assault that too by fists and slaps and also considering the postmortem examination in which no opinion about death has been arrived, as such, this appeal is allowed, the impugned order is set aside, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Gopalganj, in connection with Sidhwalia P.S. Case No.59 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (ii) The appellant shall cooperate 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.

Arvind/-

(Vinod Kumar Sinha, J)

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