

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49369 of 2017

Arising Out of PS.Case No. -415 Year- 2016 Thana -RAJOUN District- BANKA

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Shankar Pandit son of late Devak Pandit resident of village Ordhara P.S.
Rajoun Dist. Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections
341,323,324,307,448,504/34 of the Indian Penal Code.

While the petitioner was crossing his cattle through
'Dhaniya' field of the informant he was objected by the daughter-
in-law of the informant. It is alleged in the FIR that as a result of
the said objection the petitioner along with other co-accused had
entered into the house of the informant and inflicted Khanti blow
on the head of the informant.

Counsel for the petitioner has drawn attention of this
Court towards the order dated 20.07.2017 passed in Cr. Misc. No.
22828 of 2017 whereby this Court while rejecting the petitioner's



prayer for anticipatory bail had observed that the compromise between the parties may be considered by the Court below while hearing the petitioners prayer for regular bail. The petitioner had surrendered on 07.08.2017 in the instant case and filed the compromise petition (annexure 5). From perusal of the order dated 06.09.2017 passed by the Sessions Judge, Banka in B.P. No. 635 of 2017 it is apparent that petitioner's prayer for bail was rejected without considering the said compromise petition.

Learned Additional PP for the State opposes the prayer for bail of the petitioner.

Keeping in view of the observation passed in the said order dated 20.07.2017 passed in Cr. Misc. No. 22828 of 2017 by this Court as also the compromise between the parties, the petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Rajoun P.S. Case No. 415 of 2016 subject to the conditions :

- (i) That 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 the Petitioner. The bailor will also undertake to inform the Court if there is any change



in the address of the Petitioner.

- (ii) That 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.
- (iii) That 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.
- (iv) That 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.
- (v) That 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)

Prakash/-

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