

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40113 of 2017

Arising Out of PS.Case No. -148 Year- 2011 Thana -KHAIRA District- JAMUI

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1. Madan Khairwar son of Lilo Khairwar
2. Mogal Khairwar son of Karu Khairwar Both resident of Village- Bhalni,
P.S. Khaira, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-09-2017

Heard the parties.

The petitioners seek regular bail in
S.Tr.No.107/14 arising out of Khaira P.S. Case No.148 of
2011 registered for the offence under Sections 147, 148,
149, 341, 323, 324, 337, 504, 307 and 302 of the I.P.C.

Allegation against the petitioners along with
other co-accused persons is of assaulting the informant
and his brother by bizer and also pelting stone and brick.

Submission of the learned counsel for the
petitioner is that so far petitioner no.1 is concerned, there
is general and omnibus allegation of assault and so far



petitioner no.2 is concerned, there is allegation of throwing arrow causing injury to the deceased. It is further submitted that though Dudhnath Yadav suffered arrow injury but post mortem report shows only one injury. It is further submitted that there was delay of five days in lodging F.I.R., there was no intention to kill the deceased and they are in custody since 22.02.2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner no.1 is concerned, as there is no allegation of assault against him, let Madan Khairwar, be enlarged on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge, Jamui, in Sessions Trial No.107/14 arising out of Khaira P.S. Case No. 148 of 2011 subject to the conditions that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the



concerned court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

So far petitioner no.2 is concerned, as the Sessions trial has commenced and charge has been framed, the trial court shall expedite the trial and conclude the same within a period of seven months, if not concluded, the petitioner no.2 may renew his prayer for bail and the court below shall consider on its own merit, on the material available on record at that time.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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