

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53547 of 2017

Arising Out of PS.Case No. -254 Year- 2017 Thana -BARHARIA District- SIWAN

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1. Babuddin Sah @ Babuddin Ahmad, Son of Late Noor Mohammad
2. Khaleddin Sah Son of Late Noor Mohammad
3. Kayum sah Son of Yashin Sah All are Resident of Village-Paraswa, P.S.
Barharia, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-11-2017 Heard the parties.

The petitioners seek regular bail in connection with Barharia P.S.Case No.254 of 2017 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 436, 380, 307, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners and other accused persons is of damaging *Kabristan* and specific allegation against petitioner no.1 Babuddin Sah is that he along with one Sahabuddin assaulted the informant causing injury.

Submission of the learned counsel for the petitioners is that there is no specific allegation attributed against anyone and the allegation of assault is by *farsa*. Now the petitioners are in custody



for three months.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Siwan in connection with Barharia P.S.Case No.254 of 2017.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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