

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16828 of 2017

Arising Out of PS.Case No. -96 Year- 2013 Thana -GUTHNI District- SIWAN

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Munna Ram son of Sri Shyam Sundar Ram, resident of village-
Chidhmarwa , P.S.- Guthani, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandr aVerma, Sr. Adv.
Mrs. Priyandu Singh, Adv.

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-04-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with Guthni P.S.Case No.96 of 2013 registered for offences punishable under Sections 302, 307, 147, 148, 149 and 447 of the Indian Penal Code.

Allegation against the petitioner is that he was only member of the mob and except that there is no allegation in the F.I.R. and so far allegation of firing is concerned, that is against the other accused persons.

It is submitted on behalf of the petitioner that the police after investigation has submitted final form and not found the case true against the petitioner, however, the learned Chief Judicial Magistrate, Siwan differing with the opinion of the police has taken cognizance against the petitioner, which will appear from Annexure-2 of the petition.

It has also been submitted that apart from that there is no



allegation against the petitioner and he was simply member of the mob, though in the last portion of the F.I.R., there is general allegation that all the accused persons have fired.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that earlier final form has been submitted by the police and the cognizance has been taken later on, differing with the opinion of the police, as such let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Siwan in connection with Guthni P.S. Case No.96 of 2013, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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