

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6663 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -BHANGWANPUR HAT District- SIWAN

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1. Baldeo Rai, Son of Baban Rai, Resident of village - Salempur, Police Station Bhagwanpur, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sri Dilip Kumar,A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-04-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 21.10.2016 in a case registered for offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that all the accused persons came at the place, where some children were playing “ Kancha- goli” and started fighting and informant’s son, deceased Vikrama Mahto hit the son of Bhagu Rai by spade then all accused persons including the petitioner and some unnamed persons beat the deceased Vikrama Mahto and tied him on a tree, resultantly, he died.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent and he has been falsely implicated in the aforesaid case. He further



submits that there is general and omnibus allegation against the petitioner and death of the deceased can not be attributable to the petitioner, as there were eight persons, as alleged in the F.I.R. He further submits that charge sheet has already been submitted against the petitioner, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record , let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Additional Chief Judicial Magistrate- II, Siwan in connection with Bhagwanpur Hat P. S. Case No. 163 of 2016 subject to the condition that one of the bailors must be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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