

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2577 of 2017

Arising Out of PS.Case No. -91 Year- 2017 Thana -KAKO District- JEHANABAD

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Birendra Mistry, son of Rameshwar Mistry, R/o Village- Barbatta, P.S.-
Kako, District- Jehanabad.

.... Appellant

Versus

1. The State of Bihar.
2. Munni Devi W/o Fekan Choudhary, R/o Village- Barbatta, P.S.- Kako,
District- Jehanabad.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Vinay Mistry

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-11-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with Kako P.S. Case No. 91 of 2017, registered for the offences punishable under Sections 147, 148, 341, 323, 504, 506, 306, 379 of the Indian Penal Code and 3(ii)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 19.7.2017 passed by Additional Sessions Judge-I, Jehanabad.

Allegation against the appellant and other accused persons is of assaulting the informant and also abusing her.

Submission of learned counsel for the appellant is that there is case and counter case between the parties and appellant



has also been assaulted brutally in the occurrence and he has falsely been implicated in this case just to settle the matter. Further submission is that though injury report is on the record but opinion is kept reserved and injury appears to be superficial in nature and he is in custody since 16.6.2017.

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

Having heard both sides and in view of facts and circumstances, as stated above, this appeal is allowed and the impugned order is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Jehanabad, in connection with Kako P.S.Case No. 91 of 2017, subject to the conditions as follows :

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned,
- (2) Appellant will co-operate in trial and appear on each and every date in court and on failure to appear on two consecutive



dates without any genuine ground or
without permission of court, his bail bond
shall be cancelled.

(Vinod Kumar Sinha, J)

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