

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12649 of 2017

Arising Out of PS.Case No. -271 Year- 2016 Thana -BARARI District- KATIHAR

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Mazlum Sah, Son of Allaudin Sah, Resident of Village- Sain Tolla Sakrali
Post Office Samapur, Police Station-Barari (Samapur) District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil

For the Opposite Party/s : Mr. Smt. Anita Kumari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 26-04-2017 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 147, 148, 149, 341, 323, 304, 448 and

307 of the I.P.C

Allegedly, the petitioner and other accused persons in

the night assaulted the son of the informant. The son of the

informant was taken to the Sadar Hospital and thereafter he was

referred to Patna.

Submission is of false implication and that in this case

other co-accused, namely, Manjoo Khatoon @ Manjo Khatoon,

Aslam Sah, Md. Sabir Sah and Md. Munna Sah have been allowed



pre-arrest bail vide Cr. Misc. No. 4408 of 2017 and the petitioner is suffering in custody since 13.12.2016, the injured in his statement has stated that the petitioner assaulted him with garasa but no such injury has been found, the nature of the injury is not mentioned, the weapon used for causing such injury is also not mentioned in the written report and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail of the petitioner by submitting that the injured in his statement has stated that the petitioner has assaulted with garasa and further he was searching his father also.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Katihar in Barari (Samapur) P.S. Case No. 271 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each



and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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