

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25853 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Jirjodhan Bind, son of Late Ram Bhaju Jamadar, resident of Village-
Mahtarwa, P.S.- Tharthari, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-07-2017 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Petitioner is languishing in custody since 02.01.2017 in
connection with Tharthari P.S. Case No. 122 of 2016 for offences
punishable under Sections 341, 323, 325, 447, 448, 379, 302, 307,
504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she and her husband were sitting in the house, in the
evening the petitioner along with other co-accused Shrawan Bind,
who is own brother of deceased-husband, along with his family
members, entered into the house and assaulted them with rod, lathi
and Tarchawani. The allegation in the FIR against the petitioner is



of assaulting the son of the informant by *Tarchawani*. All the co-accused persons assaulted the family members of the informant and snatched gold chain and ear-ring. The husband of the informant was brought to the hospital and during the course of treatment, he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, and has been falsely implicated in this case due to personal enmity between the parties. He submits that the allegation of hitting the informant's husband is on Sudhir Jamadar and Shrawan Bind and the allegation upon the petitioner is assaulting Dharmendra Kumar whose injuries have been found to be simple.

Learned counsel for the informant submits that the petitioner along with all other co-accused have hit the informant's husband and family members which resulted into the death of the informant's husband, hence, vehemently opposes the prayer of bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge III, Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 122/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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