

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32014 of 2017

Arising Out of PS.Case No. -248 Year- 2016 Thana -GAURICHAK District- PATNA

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1. Mithu Kumar Son of Brahmdeo Rai, Resident of Village- Chandhasi,
P.S.- Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioner, learned
counsel the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with Gaurichak P.S. Case No. 248 of
2016 for offences punishable under Sections 341, 323, 324, 307,
504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that there was a case bearing Complaint Case No. 410(C) of 2014
pending between both the parties and the petitioner along with
other co-accused always used to threaten him to end the matter
and on the alleged date of occurrence, the petitioner along with
other two accused seriously assaulted his brother Mukesh Rai on
which he sustained grievous injury.



It has been submitted by the learned counsel for the petitioner that he is innocent. Matter relates to land dispute between both the parties and the injury report although suggests to be dangerous but simple and grievous is also written so, it is not ascertainable as to whether the injury was on vital part of the body. He further submits that charge-sheet has already been submitted and undertakes not to coerce or induce the witness.

However, learned counsel for the informant submits that the petitioner and his family always used to threaten the informant and his family regarding land dispute and informant's brother was brutally assaulted by the petitioner and other co-accused hence, opposes the prayer for bail.

Learned counsel 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 Judicial Magistrate-1st Class, Patna City in connection with Gaurichak P.S. Case No. 248 of 2016 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. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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