

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1369 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -BALIA District- BEGUSARAI

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1. Kishore Tanti @ Kishmat Tanti, S/o Anil Tanti, Resident of Village-
Sadanandpur, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajit Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the bail application of the petitioner was rejected vide order dated 24.08.2017, passed in Cr. Misc. No. 29994 of 2017.

Petitioner is languishing in judicial custody since 22.03.2017 in connection with Sessions Trial No. 490 of 2017, arising out of Ballia P.S. Case No. 52 of 2017 for offences punishable under Sections 323, 341, 379, 307, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was at his house, three persons including the



petitioner came variously armed with pistol and lathi and abused the informant. Specific allegation upon the petitioner is of giving *Tengari* blow on the head of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and both sides are agnates. He submits that there was property dispute and criminal case was lodged by the petitioner's side for the same occurrence on the same day. He further submits that charges have been framed and petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the injury found on the informant was grievous in nature and on the vital part of the body.

Considering the facts and circumstances and the materials on record as well as the undertaking of the petitioner, 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 A.D.J.-VI, Begusarai, in connection with Sessions Trial No. 490 of 2017, arising out of Ballia P.S. Case No. 52 of 2017, subject to the following conditions :



- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) 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)

Rajesh/-

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