

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58138 of 2018

Arising Out of PS.Case No. -89 Year- 2018 Thana -GAIGHAT District- MUZAFFARPUR

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1. Nirsan Rai S/o Chandra Mohan Rai, resident of Village- Mahmadpur
Sura, P.S. Gaighat, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-10-2018 Heard the parties.

The petitioner seeks regular bail in connection with Gaighat P.S.Case No.89 of 2018 registered for offences punishable under Sections 148, 149, 341, 323, 324, 302, 380 of the Indian Penal Code.

Petitioner is not named in the FIR and the allegation against the co-accused is of stabbing the deceased.

Submission of the learned counsel for the petitioner is that the allegation of stabbing is against the co accused Tarun Kumar, who has been granted bail by the learned court below itself and the postmortem report does not show the injury of sharp cutting weapon and the petitioner is in custody since 11.4.2018 and the other co-accused has been granted bail by this court, vide order



dated 28.9.2018 passed in cr. Misc. No.57830 of 2018.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of ACJM cum Sub Judge 16th, Muzaffarpur in connection with Gaighat P.S.Case no.89 of 2018.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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