

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43296 of 2018

Arising Out of PS.Case No. -56 Year- 2015 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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1. Pawan Mahto S/o Ram Lagan Mahto, R/o Vill.- Dharampur Tisiauta,
P.S.- Tisiauta, Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Tisiauta P.S.Case No.56 of 2015 , registered for offences punishable under Sections 341, 448, 323, 324, 379/34 of the Indian Penal Code.

Allegation against the petitioner is of assault by *Garasa* causing injury to the informant.

Submission of the learned counsel for the petitioner is that in this case the charge-sheet has been submitted under Section 341 and other Sections of the Indian Penal Code but the learned Magistrate differing with the investigation has taken cognizance under Section 307/34 of the IPC also and the injuries are simple in nature.



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, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released 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 the learned ACJM IXth, Vaishali at Hajipur in connection with Tisiauta P.S.case No.56 of 2015 dated 17.8.2015, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

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 investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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