

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13853 of 2018

Arising Out of PS.Case No. -128 Year- 2017 Thana -KUMARGHAND District- MADHEPURA

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1. Mukesh Ram, Son of Mansoor Ram, Resident of Village- Shiv Nagar,
Jamuaha, P.S. Kumarkhand, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 302/323/34 of the Indian Penal
Code.

There is general and omnibus allegation against
five named accused persons including the petitioner of
commission of assault to Avinash as a result whereof Avinash
died.

Submission of the learned counsel for the
petitioner is that co-accused Mansur Ram having similar
allegation was allowed bail by the learned Court-below itself.
However, case of the petitioner was distinguished for the reason



that mother of the deceased stated specifically that the petitioner had assaulted with lathi which caused death. If the mother was eyewitness, this fact should have come in the FIR itself. Petitioner is in custody since 04.09.2017. Investigation of the case is already complete.

Considering the fact that the allegation against the petitioner is not distinguishable from that of Mansoor Ram, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Kumarkhand (Belari O.P.) P.S. Case No.128 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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