

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2903 of 2018

Arising Out of PS. Case No.-248 Year-2017 Thana- MASRAKH District- Saran

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Jitendra Ram S/o Ganga Ram, R/o Village- Mashrak Ben Chapra, P.S.-
Mashrak, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-02-2018

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Mashrak
P.S. Case No. 248 of 2017 registered for the offence punishable
under Section 307 and other allied sections of the Indian Penal
Code.

The prosecution case, as lodged by the informant,
is that the petitioner and three persons named in the First
Information Report along with 4-5 unknown persons assaulted
him. Specific allegation upon the petitioner is that he along with
co-accused Jitendra Rai gave blow by iron rod on the head of
the informant.

It has been submitted by the learned counsel for the
petitioner that there was a free fight between the parties and the



petitioner's side was also injured and the informant in Mashrak P.S. Case No. 230 of 2017, which was registered for the same occurrence lodged prior to the present case, received grievous injuries. He submits that the petitioner has no criminal antecedent since in Mashrak P.S. Case No. 172 of 2008, he has already been acquitted by the learned Court below earlier to the filing of the present bail application.

However, learned counsel for the informant opposes the prayer for bail stating therein that the injury caused by the petitioner has been found to be grievous in nature, as per the medical report. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Saran in connection with Mashrak P.S. Case No. 248 of 2017, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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