

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12046 of 2018

Arising Out of PS.Case No. -221 Year- 2016 Thana -JOKIHAT District- ARRARIA

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Samdani, son of Md. Arif, Resident of Village- Ghormara, Police Station- Mahalgaon, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 07.09.2017 in connection with Jokihat (Mahalgaon) P.S. Case No. 221 of 2016 for the offences alleged under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and subsequently, Section 302 of the IPC has been added.

3. It is submitted that the petitioner has been falsely implicated and there is case and counter case between the parties in the backdrop of the land dispute. Co-accused Md. Hasibur Rahman @ Muddy, who is said to be the main assailant having assaulted by Talwar (sword) to the deceased, has been granted bail by this Court in Cr. Misc. No. 18075 of 2017 and so also co-accused persons, namely, Ramjani and Thanku have been granted bail by this Court in Cr. Misc. No. 61266 of 2017. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction



of learned Chief Judicial Magistrate, Araria, in connection with Jokihat (Mahalgaon) P.S. Case No. 221 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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