

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64728 of 2018

Arising Out of PS.Case No. -707 Year- 2015 Thana -PHULWARISHARIF District- PATNA

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1. Binod Nonia @ Binod Mahto, S/o Late Raj Kumar Nonia @ Raj Kumar Mahto, R/v- Utari Sangat, Kumhartoli, P.S.- Phulwarisharif, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-10-2018 The petitioner seeks regular bail in connection with Phulwarisharif P.S. Case No. 707 of 2015, registered for offences punishable under Sections 147, 148, 149, 302, 341, 323 of the Indian Penal Code.

Allegation as per F.I.R is that accused persons and others were drinking and making comments amongst themselves and when objected by the informant and his brothers in law i.e. Sarhu and Sala, some altercation took place between them and it is alleged that co-accused Guddu Mahto and Chaitu Mahto gave knife blows to the sarhu of the informant due to which, he received injury and fell down and was taken to PMCH for treatment but he succumbed to his injuries.

It has been submitted on behalf of the petitioner that



only general and omnibus allegation has been attributed against the petitioner and the specific allegation is against Guddu Mahto and Chaitu Mahto, who assaulted the *Sarhu* of the informant with knife and the Chaitu Mahto has already been enlarged on bail by a coordinate Bench of this Court vide order dated 26.04.2016 passed in Cr. Misc. No. 9494 of 2016 and other co-accused of this case has also been enlarged by another coordinate Bench of this Court vide order dated 26.05.2016 passed in Cr. Misc. No. 22744 of 2016 and petitioner has been in judicial custody since 28.07.2018.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM –XV, Patna, in connection with Phulwarisharif P.S. Case No. 707 of 2015, subject to the 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 cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part 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.

(Vinod Kumar Sinha, J)

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