

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40257 of 2018

Arising Out of PS. Case No.-295 Year-2017 Thana- DARIYAPUR District- Saran

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Dashrath Sah, S/o Late Ghamandi Sah, R/o Village- Gangajal, P.S.
Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar
For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 19-09-2018 Heard learned counsel for petitioner, learned counsel
for the State and learned counsel for the informant.

This is an application for grant of regular bail in connection with Dariyapur P.S. Case No. 295 of 2017 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 448, 504, 506 and 302 of the Indian Penal Code.

Allegation against petitioner is of assaulting son of informant by spear (Bhala), as a result of which his son fell down and thereafter his son was taken to Hospital and during the course of treatment his son died.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. It has been further submitted that there is land dispute between the parties. There is case and counter case. It has been



further submitted that from perusal of the FIR, it is apparent that petitioner assaulted the son of informant with spear (Bhala) but in postmortem report cause of death is by hard blunt substance causing injury on his forehead. It has been further submitted that due to enmity, entire family members have been implicated in this case. Petitioner has no criminal antecedent and he is in custody since 19.11.2017.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the facts and circumstances of the case, let above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Saran at Chapra, in connection with Dariyapur P.S. Case No. 295 of 2017 subject to the conditions that :-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence of two



consecutive reason the trial court will be
at liberty to cancel his bail bond.

(3) If the petitioner tampers with the
evidence or the witnesses of the case, in
that case, prosecution will be at liberty to
move for cancellation of bail of the
petitioner.

(S. Kumar, J)

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