

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2183 of 2019

Arising Out of PS. Case No.-926 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Nirbhay Kumar Mahto Late Ram Saran Mahto Vill-Dhamdaha-Uttar, P.S-
Dhamdaha, Distt.-Purnea.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.A.K. Chaudhary (App201)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-01-2019 Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and is permitted to correct para 14 of the petition with respect to custody of the petitioner.

Petitioner seeks bail in **K. Hat P.S. Case No. 926 of 2017** registered for the offence punishable under Sections 224, 225, 353/34 of the Indian Penal Code.

Informant who is G.R. Clerk of C.J.M. Purnea has stated in his written complaint that petitioner along with other accused of Dhamdaha P.S. Case No. 270 of 2017 have appeared in the court of learned CJM, Purnea and they were taken into custody, thereafter taking advantage of the rush in the court room, they managed to escape after manhandling with the staffs of the court and Body-guards.



It has been submitted on behalf of the petitioner that due to misunderstanding that he was granted bail and the Advocate Clerk informed him that he has been ordered to be released and he may return to his home, on such information the petitioner and others returned back to their home. Petitioner is an old aged person aged about 60 years. Petitioner has been remanded in Dhamdaha P.S. Case No. 270 of 2017 on 05.07.2015 and since then he is in custody.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Purnea**, in connection with **K. Hat P.S. Case No. 926 of 2017**, with following conditions:-

(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 be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(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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