

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48984 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- JOKIHAT District- Araria

BASO BISHWAS Son of Late Chamru Bishwas Resident of Village- Bara,
P.S.- Mahalgaon (Jokihat), District- Araria ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party : Mr.Dr. Ajeet Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-11-2019 Heard learned counsel for the petitioner as well
learned counsel for the State and perused the case diary.

Petitioner is an accused in a case registered for the
offence punishable under section 302 and other allied sections
of the Indian Penal Code.

The informant has alleged that the petitioner and other
accused persons, named in the FIR, came to the courtyard of the
informant, thereafter, petitioner assaulted the informant and his
son by lathi. Informant's wife came to rescue them who was
assaulted by other co-accused persons by fists and legs on the
order of the petitioner. Informant's wife died during treatment.
Accused persons also took away ornaments of the deceased.

Learned counsel for the petitioner submits that on
account of pending land dispute between the parties, unfortunate
incident took place in which the petitioner has falsely been
implicated. He submits that even as per the FIR, the only
allegation against the petitioner is that he was pressurizing the
prosecution side to withdraw a case. Further, petitioner is
alleged to have given *lathi* blow to the informant and his son
and then on his order other accused persons assaulted the victim



who died during treatment. In this regard, defence of the petitioner is that there is no allegation of assault to the deceased against the petitioner. More so, there is no injury report on the record to corroborate the allegation of assault by lathi said to have been caused by the petitioner. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence. Petitioner is in custody in the instant case since 18.5.2019.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Jokihat (Mahalgao) Police Station Case No. 195 2019 on the following conditions:-

(1) 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.

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

(Prabhat Kumar Singh, J)

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