

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77862 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- BEERPUR District- Begusarai

Shyam Kishore Malakar Son of Pawan Malakar Resident of Village - Jila
Punarwas Mali Tola, Sihmu, P.S. - Matihani, Distt. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Sri Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 04-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Birpur P.S. Case No.38 of 2018** registered for the offence punishable under Sections 147, 148, 149, 302, 341 and 323 of the Indian Penal Code.

Allegation against petitioner and other accused persons is of assaulting the son of the informant with *Lathi, Danda, Rod and Khanti* as a result of which he succumbed to the injuries.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner. Allegation is general and omnibus in nature. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 03.12.2018 passed in Cr. Misc. No.69079



of 2018. Petitioner has got no criminal antecedent and is in custody since 03.05.2018.

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 **A.C.J.M.-1st, Begusarai** in connection with **Birpur P.S. Case No.38 of 2018** 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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