

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35591 of 2020

Arising Out of PS. Case No.-85 Year-2018 Thana- ATHMALGOLA District- Patna

Baleshwar Mochi, Resident of Village- Nijampur, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Pd. Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner as well as learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in S.Tr. No. 576 of 2018, arising out of Athmalgola P.S. Case No. 85 of 2018, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 504, 307 of the Indian Penal Code and later on Section 302 of the I.P.C. was also added in the FIR.

As per the prosecution case, on the date of occurrence, all the FIR named accused persons including 15 unknown persons, armed with deadly weapons, entered into the house of the informant and started assaulting him. It is further alleged that when son of the informant came to save his father, they also assaulted son of the informant on account of which,



the son of the informant died.

It is submitted on behalf of petitioner that petitioner is neither named in the FIR nor in the statement of the informant. Name of petitioner has come during course of investigation in the supervision note of the S.D.P.O., Barh. Petitioner is in custody since 27-06-2020, having no criminal antecedent, as stated in paragraph – 3 of the petition. Some of the co-accused persons have already been granted bail by this Court, vide Annexure 2 series. Chargesheet has already been submitted in this case.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned IV Additional District & Sessions Judge, Barh (Patna) in connection with Sessions Trial No. 576 of 2018, arising out of Athmalgola P.S. Case No. 85 of 2018, on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



(2) If the petitioner tampers 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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