

Patna High Court - Orders

Hussani Gaddi vs The State Of Bihar on 25 October, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21562 of 2011
Hussani Gaddi, S/o Jamadar Gaddi, resident of village-Tirhutia Tola,
P.S.-Chanpatia, District-West Champaran
Versus
The State Of Bihar

03. 25.10.2011 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner is in custody in connection with Bettiah Town P.S. Case No. 465 of 2010 for offence punishable under Sections 302/120B/34 of the Indian Penal Code.

Learned counsel for the petitioner, with reference to the allegation as set out in the F.I.R., submits that the petitioner is not named in the F.I.R. rather his name has transpired by reason of a confessional statement of a co-accused as being a party to the conspiracy. It is submitted that save and except of being a party to the conspiracy no other allegations of assault or any overt act has been attributed to the petitioner.

Having heard learned counsel for the petitioner and considering the circumstances set forth, let the petitioner Hussani Gaddi be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 465 of 2010, subject to the following conditions:

(1) The father/uncle of the petitioner shall stand as one of the bailor before the court below and who shall be under a duty to inform the court below in case this petitioner after his release in the present case is found involved or is made accused in any further case of similar nature and whereupon the court below shall cancel the bail bond of the petitioner and take him into custody.

(2) The petitioner would ensure his representation before the court below on each and every date fixed in the case and the failure on the part of the petitioner to ensure his representation on two consecutive dates fixed without reasonable explanation to the satisfaction of the court concerned shall entitle the court below to cancel his bail bond and to take him into custody.

(Jyoti Saran, J.) S.Sb/-