

S. B. CR. MISC. BAIL APPL. NO. 7331/2007.

Jagdish @ Jhagdu and ors. Vs. State

Date of order :

31/10/2007.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Harsh Saini for the petitioners.

Shri Harshvardhan Nandvana P. P. for the State.

Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the main allegation of causing injuries on the persons of injured Shravan, Gokul and Heeralal is against Sitaram, Shankar and Raju although, petitioners have also been named by omnibus allegations of taking part in the incident but no specific overt act has been assigned to them. Co-accused Sitaram, Shankar and Raju have been enlarged on bail by the order of the co-ordinate Bench of this Court in SB Cr. Msc. Bai I Application No. 5628/2007 decided on 19/9/2007. The case of the petitioner therefore stands on better footing than that of those three co-accused.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, this bail application u/S. 439 is allowed and it is directed that petitioners Jagdish @ Jhagdu, Chhitar and Puran Mal, all are sons of Chouthu Ram Balai shall be released on bail in F. I. R. No. 245/2007 P. S. Neem Ka Thana, Distt. Si kar for offences under Sections 147, 148, 149, 307, 447, 451 and 323 IPC subject to each of them furnishing a personal bond in the sum of Rs. 30,000/- together with two sureties in the sum of Rs. 15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFI Q), J.

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