

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39242 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -MEHANDIGANJ District- PATNA

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1. Kanhai Kumar Mahto @ Kanhai Kumar, Son of Rajendra Mahto resident of Loha Ka Pool P.s. Mehandiganj District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Sharma

For the Opposite Party/s : Mr. Sahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Mehandiganj P.S. Case No. 15 of 2015 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly the petitioner and other three accused persons took away Deepak Kumar @ Lahasun and shot him dead.

Submission is of false implication due to enmity, to save skin from Mehandiganj P.S. Case No. 16 of 2012 this case has been lodged. No one has seen the alleged occurrence of murder and also no one has seen the deceased in the company of the petitioner. It is not believable that the petitioner will go with

the petitioner, having enmity. Co-accused, Mukesh Kumar Mahto has been allowed bail vide order dated 09.10.2015 passed in Criminal Misc. No. 26576 of 2015 and the petitioner is suffering in custody since 11.03.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Patna City arising out of Mehandiganj P.S. Case No. 15 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)