

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50043 of 2015

Arising Out of PS. Case No. -130 Year- 2015 Thana -NAUTAN District- WESTCHAMPARAN
(BETTIAH)

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Birendra Mahto Son of Bhagwat Mahto, resident of Dhum Nagar, Badoriya,
P.S. Nautan, District West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code registered in connection with Nautan P.S. Case No. 130 of 2015. Later on Section 302 of the IPC was added.

3. It is submitted that the petitioner has been falsely implicated as the injury report which discloses lacerated wound does not corroborate the accusation in the first information report with regard to the assault made with *Farsa* as attributed to the petitioner. Co-accused Ashok Mahto @ Laddu Mahto was attributed with assault on the head of the informant, who subsequently died, has since been released on bail by a Bench of

this Court in Cr. Misc. No. 39436 of 2015. There is a case and counter case between the parties. The petitioner claims clean antecedent.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri N.P. Singh, learned Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Nautan P.S. Case No. 130 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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