

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26576 of 2015

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

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1. Mukesh Kumar Mahto aged about 28 years son of Denesh Mahto,
resdient of Goriya tola P.S.- Menhdiganj District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. Ajit Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Menhdiganj
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 that F.I.R.
named accused persons including the petitioner alongwith others
have killed him after shooting him on his chest and temple.

Submission is of false implication, due to enmity the
petitioner has been implicated to save skin from Mehndiganj P.S.
Case No. 16 of 2012 which is lodged by the mother of the



petitioner against the informant. There is no material in the case diary against this petitioner and there is nothing to show that anybody has seen the alleged occurrence of murder. This is also not a case of last seen and it cannot be believed that the deceased will go with the petitioner, having enmity and as such, the petitioner who is suffering in custody since 13.3.2015, deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that two witnesses have seen the petitioner and three others taking away the deceased towards Pratappur and they have been examined vide Para nos. 148 and 149 of the case diary.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Sub-Divisional Judicial Magistrate, Patna City arising out of Menhdiganj 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.

(Jitendra Mohan Sharma, J)

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