

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47104 of 2014

Arising Out of PS.Case No. -92 Year- 2005 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Mahesh Mahto S/o Late Sarjug Mahto
2. Ram Sharup Mahto S/o Late Badri Mahto
3. Mohan Paswan S/o Late Amichand Paswan
4. Rudal Paswan S/o Sri Paswan All are resident of village - Dumari Bazu,
P.S. Patani, District - East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 04-03-2015 The four petitioners are accused in Madhuban P.S.Case

No. 92 of 2005 registered under Sections 148, 149, 147, 302, 307,
332, 333, 324, 120B, 121A, 124 of the I.P.C., Sections 25(1B)a,
26, 27, 35 of the Arms Act and Sections 3/4 of the Explosive
Substance Act including Section 17 of the Criminal Law
(Amendment) Act. They are in custody.

With the exception of petitioner No.3 Mohan Paswan
the other three have not been named even in the FIR. Their names
are added as accused several years after the investigation had
commenced and the only material against them is their
confessional statement before the police. So far as the petitioner
No.3 is concerned, he is named in the FIR on the basis of any
evidence but on the basis of recovery of a diary in which his name

appears.

Learned counsel for the petitioners draws attention of this Court to various orders of this Court in which large number of accused persons similarly situated have been enlarged on bail.

In the facts and circumstances, let the petitioners, namely, Mahesh Mahto, Ram Sharup Mahto, Mohan Paswan and Rudal Paswan, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahna at Motihari, in connection with Madhuban P.S.Case No. 92 of 2005, subject to the condition that the petitioners would be physically present in the court on every date fixed and if on any consecutive two dates they are absent, the trial court would be at liberty to cancel their bail and take them into custody.

(Navaniti Prasad Singh, J)

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