

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13243 of 2016

Arising Out of PS.Case No. -517 Year- 2015 Thana -MARHAURA District- SARAN

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1. Paras Mahto S/o Shiv nath Mahto resident of Village Talpuraina P.S
Marhowrah Distt- Saran at Chapra..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

For the Informant : Mr. M. N. Parwat, Sr. Advocate

Mr. Arun Kumar Sinha, Advocate

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

ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Marhowrah
P.S. Case No. 517 of 2015 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and three other FIR named
accused persons along with three unknown caught Sureshwar
Prasad Dikshit the uncle of the informant, co-accused Dinesh
Singh opened fire and thereafter, others also opened fire, resulting,
the informant fled away after making alarm and after return he
found his uncle seriously injured, he was brought at referral
hospital, Marhowrah where he was declared dead. It is alleged that
earlier also attempt was made to kill the deceased and dispute was
going on with co-accused Dinesh Singh.



Submission is of false implication and that against the petitioner there is no specific allegation, there is no direct or indirect allegation against the petitioner, it is alleged that he was present at the place of occurrence with other accused persons, other co-accused Sharmila Singh and Dharmendra Singh have already been allowed bail, the confessional statement has also been recorded but in that statement there is nothing against the petitioner and as such he deserves sympathetic consideration as he is suffering in custody since 01.01.2016.

Learned APP duly assisted by learned Sr. Counsel for the petitioner opposes the prayer of bail by submitting that on the person of the deceased two wound of entry and two wound of exit were found and there is allegation that the petitioner and others also opened fire and the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that there is general and omnibus allegation against the petitioner and others except Dinesh Singh, 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 Chief Judicial Magistrate, Saran at

Chapra in connection with Marhowrah P.S. Case No. 517 of 2015, subject to the conditions that one of the bailors must be a 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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