

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14420 of 2016

Arising Out of PS.Case No. -534 Year- 2013 Thana -MUFFASIL District-
 WESTCHAMPARAN(BETTIAH)

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1. Naresh Mahto son of Raghunath Mahto, resident of I.T.I. Jai Prakash
 Nagar, Bettiah, Police Station- Bettiah Muffasil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 08.04.2016

Supplementary affidavit is filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as learned
 Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302,
 3077 and other allied sections of the Indian Penal Code.

Petitioner is in jail custody since 16.8.2014 as it is evident
 from perusal of para 8 of the petition and it is alleged that the
 petitioner and other FIR named accused assaulted the informant's
 father and brother and in course of treatment father of the informant
 died.

The contention on behalf of the petitioner is that co-accused
 Dewanand Dhangar faced trial in Sessions Trial no. 1071/2013 and
 after full-fledged trial, the aforesaid co- accused was acquitted of the
 charges as informant did not support the prosecution case. It is also
 pointed out by him that case of the petitioner was not committed to the

court of sessions without any fault of the petitioner and that was the reason his trial was not taken up along with co-accused Dewanand Dhangar. It is further submitted that it were co-accused Dewanand Dhangar, Umesh Mahto and Ranjit Mahto who caused injuries to the deceased on specific part of the body and so far as the petitioner is concerned, omnibus allegation has been levelled against him.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind the period of detention of the petitioner in jail custody as well as this aspect of the matter that having more or less similar allegation, one co-accused has already been acquitted of the charges, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Jitesh Kumar, Judicial Magistrate, Ist Class, Bettiah District West Champaran in Trial no. 3444/2015 arising out of Bettiah Mufassil P.S. Case no. 534/2013.

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(Hemant Kumar Srivastava,J)

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