

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15148 of 2016

Arising Out of PS.Case No. -12 Year- 2010 Thana -BARAUNI District- BEGUSARAI

Nandan Mahto @ Nandan Bind Son of Tulsi Mahto, resident of village -
Amarpur, Bind Toli, P.S. - Barauni, District - Begusarai, at present Ganga
Prasad Bind Toli, P.S. - Barauni, District - Begusarai.

.... .. Petitioner/s

Versus

The State of Bihar.

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 29-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in
connection with Sessions Trial No.456 of 2015, arising out of
Barauni (Chakia) P.S. Case No.12 of 2010, registered for the
offence punishable under Sections 302 and 120(B)/34 of the
Indian Penal Code and under Section 27 of the Arms Act.

Earlier, the petitioner had moved before this Court in
Criminal Miscellaneous No.3920 of 2015 and this Court vide
order dated 10.04.2015 rejected the bail application of the
petitioner with a liberty to renew his prayer for bail after
completing nine months jail custody.



From a perusal of the FIR, it appears that allegation has been made against the petitioner and other accused persons to have killed the wife of the complainant by criminal conspiracy. The other co-accused persons namely Munilal Sah and Bijay Nishad were put to trial in Sessions Trial No.723 of 2010 and they have been acquitted in the said trial.

Learned counsel for the petitioner submits that allegation made against all the three accused persons is same, out of them two accused persons have already been acquitted in criminal trial, in such view of the matter, this Court should grant bail to the petitioner.

This Court has called the report from the office as to whether any appeal has been filed before this Court against the judgment passed in Sessions Trial No.723 of 2010. Office has reported that no such appeal has been filed. At the same time, the report of the Additional District and Sessions Judge-III, Begusarai has been placed for perusal, where it has been mentioned that no any requisition of file, in connection with criminal appeal, has been received from this Court till 20.05.2016.

Having considered the facts and circumstances of

the case, let the petitioner-Nandan Mahto @ Nandan Bind be released on bail on furnishing bail bonds of Rs.10, 000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-III, Begusarai, in connection with Sessions Trial No.456 of 2015, arising out of Barauni (Chakia) P.S. Case No.12 of 2010.

(Shivaji Pandey, J)

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