

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24695 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -EKMA District- SARAN

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Deepak Mahto son of Sri Lallan Mahto, resident of Village Banwari
Amnour, Police Station Ekma, District Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-06-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of The Arms Act.

Taking into consideration the fact that the petitioner is not named in the first Information Report vide Annexure-1, as an accused, though two other persons are specifically named there in the first information report as accused with specific allegation of committing the crime in question, and further taking into consideration the fact that the petitioner has been involved in the present case on the basis of confessional statement of a co-accused before the police, and also taking into consideration the fact that he is said to be the first offender and co-accused Lalan Singh, with almost identical allegation, has already been granted bail by a Bench of this Court vide order as contained in Annexure-3, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection

with Ekma P.S.Case No. 160 of 2015, subject to the following conditions that:

(A) one of the bailors must be a government servant or close family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bonds of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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