

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48946 of 2015

Arising Out of PS.Case No. -21 Year- 2010 Thana -BIBHUTIPUR District- SAMASTIPUR

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Raja Ram Mahto Son of Jageshwar Mahto, Resident of Village - Dhania
Pakahi, P.S. - Bibhutipur, District - Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Sangita Sharma(App)

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

ORAL ORDER

3 29-01-2016 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

The petitioner seeks bail in connection with Bibhutipur
P.S. Case No. 21/2010 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code.

The petitioner is not named in the FIR and from perusal
of the impugned order it reveals that his name has come in the
confessional statement of co-accused Ganesh Mahto and Sikandar
Mahto.

Submission is of false implication and that the
petitioner is in custody since 21.07.2015 but he has not been put
on T.I.P., nothing has been recovered from his conscious
possession and co-accused Ganesh Mahto who has confessed has
already been allowed bail vide Cr. Misc. No. 8058/2011 and

further other co-accused Ashok Rai has also been allowed bail and as such the petitioner deserves sympathetic consideration to which learned A.P.P. does not dispute.

In the facts and circumstances stated above, considering that Ganesh Mahto has already been allowed bail who has named the petitioner in his confessional statement, 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 Sri A. Kumar, Judicial Magistrate 1st Class, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 21/2010, subject to the conditions that one of the bailors must be 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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