

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53888 of 2015

Arising Out of PS.Case No. -130 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

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Manoj Mahto S/o Late Ramawtar Mahto resident of Village- Bishanpur
Mahthi, P.S.- Ujarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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

3 19-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Ujarpur
P.S. Case No. 130 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 323 and 302 of the Indian Penal
Code and Section 3(1) (X) of the SC/ST Act.

Allegedly the petitioner and other co-accused named in
the F.I.R. and un-known brutally assaulted Lala Paswan, the son
of the informant causing his death on the plea that Lala Paswan
has committed rape with mentally weak daughter of Bhikhar
Mahto.

Submission is of false implication and that Mahal
Chaukidar who was eye witness, has not named any one vide para-

35 of the case diary and as the petitioner has deposed in S.T. No. 526 of 2007 wherein, Lala Paswan was convicted for committing rape, he has been implicated in this case and similarly situated co-accused Bablu Mahto has already been allowed bail vide Cri. Misc. No. 48006/15 by another co-ordinate Bench of this Court and, as such, petitioner also deserves sympathetic consideration to which the learned A.P.P. is not in a position to distinguish the case of the petitioner from co-accused Bablu Mahto.

In the facts and circumstances stated above, the petitioner, above named, is also 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 Distt. Judge, Samastipur arising out of Ujiarpur P.S. Case No. 130 of 2015 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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