

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55527 of 2015

Arising Out of PS.Case No. -146 Year- 2014 Thana -BIDUPUR District- VAISHALI (HAJIPUR)

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Shankar Mahto Son of Rudal mahto Resident of Village Kanchanpur, P.S.
Biddupur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kaushal Kumar

For the Opposite Party/s : Mr. Manoj Kumar No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-04-2016

Heard both sides.

The prayer for bail of the petitioner was earlier rejected vide order dated 13.04.2015 passed in Cr. Misc. No. 6158 of 2015. It is submitted that there is omnibus and general allegation of assault against the petitioner and other accused persons. Of course, the injury report shows some injuries on the person of the deceased but the doctor in the post-mortem report opined that the death was caused due to asphyxia. The doctor in normal course should have referred the matter to the Medical Board. It is submitted that similarly situated co-accused Raj Babu Rai @ Raja Babu has already been granted bail vide order passed in Cr. Misc. No. 19375 of 2015. The petitioner is in jail since 08.06.2014. The petitioner has already remained in jail for more than one year and nine months.

Considering the facts that the petitioner has already remained in jail for more than one year and nine months and similarly situated co-accused has already been enlarged on bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge VII, Vaishali at Hazipur in Biddupur P.S. Case No. 146/2014 corresponding to S. Tr. No. 393/2015.

(Prabhat Kumar Jha, J)

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