**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.55439 of 2015**

Arising Out of PS.Case No. -191 Year- 2011 Thana -PATORI District- SAMASTIPUR

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Prabhu Mahto son of Late Shivjee Mahto, R/o Village- Adalpur P.S.- Patory, District- Samastipur .... .... Petitioner/s

Versus

1. The State of Bihar .... .... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Sharda Kumari (App)

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

ORAL ORDER

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3 09-02-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Patory P.S. Case No. 191 of 2011 registered for the offences punishable under Sections 341, 323, 326, 307, 448, 379 and 34 of the Indian Penal Code.

Allegedly, in the occurrence, the petitioner poured acid on the body of the informant twice and other co-accused poured acid on other family members of the informant causing burn injury. The left eye of the informant has also been damaged.

Submission is of false implication and that due to family dispute the petitioner and others have been implicated, the allegation for taking away the amount of Rs. 30,000 from the box is super addition, the petitioner is the brother of the informant and other co-accused namely, Raghubansh Mahto, Aarti Kumari and Sunita Devi have been allowed bail by different benches of this

Court and, as such, the petitioner, who is suffering in custody since 29.07.2015, deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that grievous burn injury has been found on the person of the informant and for that the petitioner is responsible.

In the facts and circumstances stated above, the petitioner, above named, shall be released on bail after **completing nine months in custody** from the date of his remand 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 C.J.M, Samastipur arising out of Patory P.S. Case No. 191 of 2011 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)**

sushma/-

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