

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31471 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

=====

Jai Prakash Mahto son of Harihar Mahto resident of Village- Bahadurpur,
P.S.- Darpa, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 364, 302, 201 and 34 of the
Indian Penal Code.

Allegation is that informant's son, namely, Raushan
Raj, aged about five years, had been kidnapped and murdered by
the accused persons.

Earlier prayer for bail of the petitioner was rejected
vide Annexure-1 to the present application with an observation
that the trial of the petitioner be concluded preferably within a
period of nine months. A report was called for from the trial
court. It has been reported that only one prosecution witness has
been examined in the present case.

It has been submitted on behalf of the petitioner that
petitioner is in custody since 16.4.2015. Petitioner is not named in
the F.I.R. nor he has been named in the restatement of the
informant. A protest petition has been filed on behalf of the
informant in which also petitioner has not been named. Petitioner

has been made accused on the basis of confessional statement of a co-accused. Except that there is no other material against the petitioner.

On behalf of the State it is submitted that petitioner has been named in course of investigation.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned 14th Addl. District and Sessions Judge, Motihari, East Champaran, in connection with S. Trial no. 231 of 2016 arising out of Raxaul P.S. Case no. 34 of 2015.

(Sudhir Singh, J)

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