

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43515 of 2016

Arising Out of PS.Case No. -403 Year- 2015 Thana -GHORASAHAN District- EASTCHAMPARAN
(MOTIHARI)

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Lalbabu Mahto, Son of Late Kuldeep Mahto, resident of village -
Laukhan, Tola - Koraiya, P.S. Ghorasahan, District - East Champaran
..... Petitioner

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 20-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 25.05.2016 in connection with Ghorasahan P.S. Case No. 403 of 2015 for the offences alleged under Sections 379, 328, 307, 323, 504/34 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added.

3. It is submitted that the petitioner has been falsely implicated as the informant had initially filed a complaint belatedly on 29.09.2015 for the alleged occurrence of 27.09.2015. The informant subsequently died after about two months on 30.11.2015 and the Doctor opined that death occurred due to cardiac respiratory failure on account of chronic heart disease. The accusations are general and omnibus in nature and no specific overt act has been attributed to the petitioner and there is also no medical report to support the accusation of administering any poison to the informant. Similarly situated co-accused Jagdeo Mahto, Sunil Mahto and Lal Babu Mahto have been granted by this Court in Cr. Miscellaneous No. 24179 of 2016 (Annexure-2).

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahn at Dhaka, East Champaran, in connection with Ghorasahan P.S. Case No. 403 of 2015, with the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure to do so on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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