

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49532 of 2015

Arising Out of PS.Case No. -170 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. Dinesh Mahto Son of Chandra Deo Mahto Resident of Village/Mohalla -
Bariyahi Babubani, P.S.- Ballia, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra
For the Opposite Party/s : Mr. Manoj Kumar 1 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 364, 120B and 34 of the I.P.C

Allegedly, the petitioner and co-accused Rudal Yadav came and told Sadan Mahto @ Fatinga Mahto, the son of the informant, to go to Balia and thereafter he went with them but did not return. During enquiry Pintu Kumar told the informant that Sadan Mahto @ Fatinga Mahto was with the petitioner on the tractor and further Sadan Mahto @ Fatinga Mahto was brought by the motorcycle of Pintu Kumar at Mirzapur Chauk near Basudha Kendra where Sadan Mahto @ Fatinga Mahto, the petitioner and others drink toddy.

Submission is of false implication and that during

investigation nothing more has come, as alleged Pintu Kumar has dropped Sadan Mahto @ Fatinga Mahto and as such Pintu Kumar was last seen with Sadan Mahto @ Fatinga Mahto and not the petitioner, the petitioner has voluntarily surrendered on 11.08.2015 and since then he is in custody, there is no legal and tangible material to connect the complicity of the petitioner and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Begusarai in Sahebpur Kamal P.S. Case No. 170 of 2015, subject to the conditions that one of the bailors must be a 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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