

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28987 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -CHARIABARIYARPUR District- BEGUSARAI

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Mahesh Mahton Son of Late Bangali Mahto, Resident of Village -
Pidhauna, Police Station - Hasanpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the
offence under Sections 398, 307 of the Indian Penal Code and
Sections 25(1-b)a/26/35 of the Arms Act.

The prosecution case, in short, is that in the night of
12.1.2016 while the informant went to sleep at about 12.00 hours,
6-7 persons entered in his house and on the point of pistol
overpowered him and her wife rushed towards in the room of
children. The culprits tried to tie them but his wife came out and
raised alarm. Then villagers assembled and caught hold one of
them. One of the miscreants fired upon one Jamun Rai, on account
of which he sustained severe injury.

It has been submitted on behalf of the petitioner that

the petitioner is in custody since 22.2.2016 and charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. No specific allegation against the petitioner has been made for causing injury upon the victim. There is no injury report in the case diary to support the allegations made in the F.I.R. It is further submitted that the petitioner may be released after completion of nine months in custody from 22.2.2016.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of nine months in custody from 22.2.2016 on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriya Bariarpur P.S. case No.09 of 2016.

(Sudhir Singh, J)

Narendra/-

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