

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38037 of 2016

Arising Out of PS.Case No. -64 Year- 2016 Thana -CHARIABARIYARPUR District-
BEGUSARAI

=====

Amresh Mahto, S/o Late Babu Prasad Mahto, resident of Village
Malmalha, P.S. Khodawandpur, District Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party : Mr. Sri Sadanand Paswan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Cheriabariarpur P.S Case No. 64 of 2014 registered for the
offences punishable under Sections 302, 387, 120(B)/34 of the
Indian Penal Code and section 27 Arms Act and Section 3(2) (v)
of S.C./ S.T Act.

Allegedly, Rameshwar Paswan, the father-in-law of
the informant was murdered due to non-fulfillment of demand of
ransom by Mukesh Mahto, after making criminal conspiracy with
the help of three unknown miscreants. During investigation, the
name of the petitioner transpires in the confessional statement of
co-accused Dhiraj Kumar, the petitioner also confessed his guilt

regarding his involvement in the crime.

Submission is of false implication and that besides confessional statement of co-accused and of the petitioner there is no other material against the petitioner, there is no eye-witness of the occurrence, no one has seen the petitioner committing the crime and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 20.04.2016 and charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no eye-witness of the occurrence and besides confessional statement there is no other tangible material against the petitioner and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction learned Spl. Judge (S.C./S.T.) Begusarai, in connection with Cheriabariarpur P.S. Case No. 64 of 2016, 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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