

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38324 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -BAKHRI District- BEGUSARAI

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Bipin Mahto, Son of Ram Bilash Mahto, Resident of Village- Darha Hari Singh, P.S.- Bakhari, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party : Mr. Sri Uday Pratap Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Bakhari P.S
Case No. 52 of 2016 registered for the offence punishable under
Section 364/34 of the Indian Penal Code.

Allegedly, the son of the informant and one Bipin Mahto
had gone to Bakhri. Thereafter, they had gone to fishing but
informant's son did not return home, prior to the date of occurrence,
due to some quarrel, co-accused Hari Narayan Mahto and the petitioner
had threatened to kill the informant's son.

Submission is of false implication and that when earlier
the petitioner has caused threats that it is not believable that the son of
the informant will go with the petitioner. The petitioner is in custody
since 11.03.2016 having clean antecedent, chargesheet has already been

submitted and there is no chance of tampering with the prosecution evidence and merely on the suspicion, the petitioner has been implicated. Other co-accused Hari Narayan Mahto has been allowed bail vide Cri. Misc. No. 29584 of 2016 by another co-ordinate Bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that co-accused has been allowed bail

In the facts and circumstances stated above, 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 of the learned Additional Sessions Judge - V, Begusarai, in connection with Bakhari P.S. Case No. 52 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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