

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50848 of 2015

Arising Out of PS.Case No. -70 Year- 2015 Thana -BOCHHA District- MUZAFFARPUR

1. Shivjee Mahto son of Brahamdeo Mahto, Resident of village- Paharpur,
P.S.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sahin Begum (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Bochahan P.S. Case
No. 70 of 2015 registered for the offences punishable under Sections
147, 148, 149, 387, 427, 436 of the Indian Penal Code, Sections 25(1-
b)a, 35 of the Arms Act and Sections 16, 17, 18, 20, 21 of UAPA Act.

The petitioner is not named in the FIR and he was caught
near jail gate on the basis of information furnished by Spy and from his
possession red colour three pamphlets related to Maobadi, one
motorcycle and Aadhar Card were recovered and further the petitioner
confessed his guilt.

Submission is that nothing was recovered from possession of
the petitioner, the petitioner has been apprehended from his village and
has been implicated falsely, the Police after adopting 3rd degree method

got recorded his confessional statement and he is suffering in custody since 13.08.2015 having no criminal antecedent, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and other two accused Ram Surat Sahni and Raj Kumar Sahani have been allowed bail by another co-ordinate Bench of this Court.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that other two co-accused have been allowed bail and the petitioner by remaining in custody has sufficiently been penalized at this stage, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Bochahan P.S. Case No. 70 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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