

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52749 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -KORHA District- KATIHAR

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Mithlesh Kumar Mahto @ Mithilesh Mahto Son of Shri Bhupendra Mahto
Resident of village - Nawabganj, P.S. Korha, District - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 450 and 307/34 of the Indian Penal Code.

As per prosecution case, while son of the informant was sleeping on the roof of his house at night, some persons came and cut his neck. On alarm raised by the victim and one Akhilesh Kumar Mahto, family members reached there. The name of the petitioner has come one month after the occurrence.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. He has been falsely implicated in the present case. The alleged date of occurrence is 28.5.2015 and the case has been instituted on 30.5.2015. The delay caused in instituting the F.I.R has not been explained by the prosecution. The other co-accused has been granted bail vide Cr. Misc. no. 47230 of 2015.

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

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the

court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case no. 95 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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