

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4993 of 2017

Arising Out of PS.Case No. -258 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Kamal Mahto Son of Late Anandi Mahto Resident of village- Adharpur,
Police Station- Samastipur (Muffasil), District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s Mr. Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 01.03.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by this
court vide order dated 26.2.2016 passed in Cr. Misc. no. 4131/2016
taking note of this fact that the petitioner and others were seen coming
out of the shop of co-accused Chandan Kumar in which deceased was
killed and also keeping in mind that prayer for bail of co-accused
Narendra Jha has already been rejected.

However, learned counsel for the petitioner submits that in
course of trial, the informant was examined as prosecution witness
no.5 and in his deposition, he claimed that at the time of occurrence
co-accused Chandan Kumar was holding pistol in his hand whereas
the petitioner was unarmed. It is further submitted on behalf of the
petitioner that co-accused Chandan Kumar has already been granted
privilege of bail by a coordinate bench of this court vide order dated



13.12.2016 passed in Cr. Misc. no. 42123/2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II, Samastipur in Sessions trial no. 685/2015 arising out of Samastipur (Mufassil) P.S. Case no. 258/2015.

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(Hemant Kumar Srivastava,J)

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