

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15636 of 2017

Arising Out of PS.Case No. -326 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

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1. Manoj Mahto Son of Banarasi Mahto Resident of Village-Mahsar, Police Station - Sheikhpura, District-Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-05-2017 Heard the parties.

The petitioner seeks regular bail in connection with Sheikhpura P.S.Case No.326 of 2015 registered for offences punishable under Sections 279, 304A, 302 & 201/34 of the Indian Penal Code.

The petitioner is not named in the F.I.R. and later on his name transpired in this case on the basis of re-statement of the informant.

It is submitted on behalf of the petitioner that earlier this case had been filed under Section 279 and 304A of the Indian Penal Code but later on, on the basis of statement of the informant, the petitioner has been made accused due to suspicion. There is no eye witness of the occurrence and suspicion is on the basis of last



seen with him. The petitioner has remained in custody for about three months. It is further submitted that the other co-accused persons have been granted anticipatory bail by this Court vide order dated 4.5.2017 passed in Cr. Misc. No.18722 of 2017.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has opposed the prayer for bail on the ground that earlier the petitioner had suppressed pendency of one case, in which final form has been submitted but the case is pending for acceptance of final form. It is further submitted that the deceased had gone with the petitioner and he was last seen with the deceased but later on the deceased had gone with the other co-accused in this case and when he did not turn up, on enquiry concerned had informed that he had met with an accident but that story does not appear to be true. It has also been submitted that motive behind occurrence is that the petitioner was fined by the deceased in Panchayat of Rs.50,000/- and due to this grudge, he along with others caused death of the deceased.

Having heard both sides and in view of the fact that there is no eye witness of the occurrence and the petitioner has been made accused only on the basis of the fact that the deceased was last seen with the petitioner and another ground of suspicion is that he



has been fined by the deceased and there is nothing else against the petitioner and he has remained in custody for about four months, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Sheikhpura in connection with Sheikhpura P.S.Case No.326 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.
- (iv) The learned trial court is directed to expedite the trial of the petitioner.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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