

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8973 of 2017**

Arising Out of PS.Case No. -286 Year- 2016 Thana -BRAHMPURA District- MUZAFFARPUR

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1. Surendra Mahto @ Muhchirwa S/o Late Jamun Mahto R/o Village -  
Sikanderpur Ambedkar Nagar, P.S. - Muzaffarpur Town, District -  
Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Udit Narayan Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      27-02-2017              The petitioner seeks regular bail in connection with  
  
Brahmpura P.S. Case No. 286 of 2016, registered for offences  
  
punishable under Sections 461 and 379 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that  
petitioner's name has surfaced in this case only on the basis of  
confessional statement of co-accused and except that there is  
nothing against him. It has further been submitted that no recovery  
has been made from the possession of the petitioner and uptil now  
no Test Identification Parade has been conducted and he has been  
in judicial custody since 25.12.2016.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that  
petitioner's name transpired in this case only on the basis of  
confessional statement of co-accused and except that there is  
nothing against the petitioner and he has remained in juridical  
custody for more than two months, let the petitioner above named,



be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur, in connection with Brahmpura P.S. Case No. 286 of 2016, subject to the 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 cooperate 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.

**(Vinod Kumar Sinha, J)**

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