

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9417 of 2017

Arising Out of PS.Case No. -218 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Gajendra Mahto, Son of Late Aghanu Mahto, Resident of village -
Fatahpur, P.S. Sheohar, District - Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.06.2016 in connection with Sheohar P. S. Case No. 218 of
2015 registered for the offence punishable under Sections 147,
148, 149, 341, 342, 323, 325, 307, 302, 379 and 120 (B) of the
Indian Penal Code.

The petitioner had earlier moved this Court for bail
which was rejected by this Court in Cr. Misc. No. 38178 of 2016
dated 21.11.2016 with a liberty to renew his prayer for bail after
three months.

The allegation against the petitioner and other
accused persons is that they assaulted grand son of the informant,
namely, Samsad Alam and his friend Md. Abid by lathi, rod,
stones and bricks, resultantly they became seriously injured. The



friend of the informant's grand son was referred to AIIMS for treatment, but in the way, he died. The grand son of the informant was getting treatment at Tara Nursing Home.

It has been submitted by the learned counsel for the petitioner that he is innocent and has no criminal antecedent and that other co-accused, named in the F.I.R. have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 38629 of 2016 on 22.09.2016 and in Cr. Misc. No. 52354 of 2016 dated 08.12.2016 on the ground that there were no eye witness to the alleged occurrence and there was delay in lodging the F. I. R.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances, since other F.I.R. named co-accused have been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P. S. Case No. 218 of 2015.

(Nilu Agrawal, J)

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