

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22573 of 2017

Arising Out of PS.Case No. -131 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

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1. Dashrath Mahto @ Kalu Mahto son of Late Krishna Mahto resident of Dalkhola at present resident of Motibagh, Police Station - Kishanganj, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-05-2017 Heard the parties.

The petitioner seeks regular bail in connection with Kishanganj P.S.Case No.131 of 2015 registered for offences punishable under Sections 302 & 201/34 of the Indian Penal Code.

The petitioner is named in the F.I.R., however, it appears that there is no eye witness of the occurrence and the name of the petitioner transpired only on the basis of suspicion as wife of the deceased has illicit relation with the petitioner and other accused persons, however, submission of the learned counsel for the petitioner is that except suspicion, there is nothing against the petitioner and all the other accused persons, having similar allegation, have already been granted bail by this Court, vide order dated 24.09.2015 passed in Cr. Misc. No.28015 of 2015 with Cr.



Misc. No.37957 of 2015, order dated 01.02.2016 passed in Cr. Misc. No.55221 of 2015 and one co-accused, having similar allegation, has been granted bail by the learned lower court. The petitioner is in custody since 13.01.2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, 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., Kishanganj in connection with Kishanganj P.S.case No.131 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.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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