

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24507 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -KRITYANAND NAGAR District- PURNIA

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Nago Mahto Son of Basudeo Mahto, Resident of Prasadpur Beldari, P.S.
K.Nagar, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv
For the Informant : Mr. Adiya Nath Pandey, Adv.
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 17.03.2017 in connection with K. Nagar P.S. Case No. 97 of 2017 for the alleged offences under Section 302/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion and for the solitary reason that the petitioner and his wife have instituted Complaint Case No. 2096 of 2010 and Title Suit No. 79 of 201 respectively, against the father of the informant and one Rajan Mahto. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* have been heard. Learned APP refers to para-35 of the case diary in which the witness has supported the prosecution case, but he is clearly not an eye witness.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 97 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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