

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34195 of 2017

Arising Out of PS.Case No. -256 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

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Subhash Mahto, Son of Late Kisun Mahto @ Shiv Nath Mahto, Resident of
Village-Majorganj, P.S. Majorganj, District-Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Bansh Dubey, Advocate

For the Opposite Party : Mr. Madan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 02-08-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier rejected vide order dated 04.07.2016 passed in
Cr. Misc. 20080 of 2016 which was disposed of with Cr. Misc.
No. 17685 of 2016, on the ground that the petitioner is in custody
since 21.01.2016, there is no legal and tangible material against
the petitioner, the name of the petitioner has come in the statement
of Surendra Sah, but Surendra Sah has turned hostile and did not
support the prosecution case. Further in this case co-accused Sunil
Patel and Kamaluddin @ Md. Kamaluddin and Motilal Mahto
have been allowed bail and, as such, the petitioner deserves
sympathetic consideration.



The learned A.P.P. fairly submits that Surendra Sah has turned hostile.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge 2nd, Sitamarhi, in connection with S. Tr. No. 243 of 2016 arising out of Mejorganj P.S. Case No. 256 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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