

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38641 of 2017

Arising Out of PS.Case No. -308 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

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Sri Prasad Mahto S/o Late Mahabir Mahto, Resident of Village-Rampur,
Ward no.4, P.S. Murliganj, District-Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-08-2017

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Murliganj P.S. Case No. 308 of 2016 registered for the offence punishable under Sections 147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that a bare perusal of the First Information Report (in short the "FIR") and the impugned order passed by the learned Sessions Judge would show that there is no allegation of assault against the petitioner. The specific allegation of causing injury on the deceased has been leveled against the co-accused Umesh Mahto and Ranjan Mahto. This petitioner is an old man and has no criminal history.



Learned counsel for the petitioner further submits that the petitioner has only been falsely implicated by making him a member of the unlawful assembly.

Learned Additional Public Prosecutor for the State opposes the prayer of bail of the petitioner, however, the fact remains that there is no allegation of causing injury by assault against this petitioner and the petitioner has no criminal history.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Murliganj P.S. Case No. 308 of 2016, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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