

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47284 of 2017**

Arising Out of PS.Case No. -356 Year- 2015 Thana -BUXAR District- BUXAR

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Botal Mahto @ Sinku Mahto, son of Rabishankar Mahto, R/o Vill.-  
Ratnarh, P.S.- Garhani , District- Bhojpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Advocate.

For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

3      17-10-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 07.04.2016 in connection with Sessions Trial No. 21 of 2016 arising out of Buxar Town P.S. Case No. 356 of 2015 for the offences alleged under Sections 147, 148, 149, 341, 326 and 302/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and because the petitioner has criminal antecedents. The F.I.R. details the occurrence with respect to the person who fired, on whose order firing was made, whereas the petitioner has not been named in the F.I.R. and this fact alone casts grave doubt about the involvement of the petitioner. Similarly situated co-accused Nandan Kumar Singh @ Nitish Singh has been granted bail by this Court in Cr. Misc. No. 7814 of 2016.

4. 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 Additional Sessions Judge-VI, Buxar, in connection with Sessions Trial No. 21 of 2016 arising out of Buxar Town P.S. Case No. 356 of 2015, 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 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.

(iv) The petitioner shall cooperate 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.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

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