

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58699 of 2017

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1. Jitendra Mahto,
2. Khala Mahto Both Sons of Tarkeshwar Mahto, Both R/o Village-
Shivnagar, P.S.- Kasim Bazar , District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioner No. 1 is in custody since 29.08.2017
whereas petitioner No. 2 is in custody since 19.09.2017 in connection
with a case registered for the offences punishable under Sections
307/34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners submits that the only
allegation against Khala Mahto is that he had ordered but he is not
alleged to have fired on the informant. So far as the other petitioner
Jitendra Mahto is concerned, there is no allegation of any overtact
against him. Learned counsel for the petitioners further submits that
there is land dispute between the parties and there have been several
cases and counter cases in the past.

Taking into consideration the aforementioned facts and
circumstances and there is history of land dispute and that the
petitioners have already been in custody, let the petitioners above



named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Munger, in connection with Kasim Bazar P.S. Case No. 55/2017, subject to the following conditions:-

- (1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) 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.

(Anjana Mishra, J)

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