

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10264 of 2017

Arising Out of PS.Case No. -179 Year- 2014 Thana -KHODABANDPUR District- BEGUSARAI

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1. Mithlesh Kumar Mahto @ Mithlesh Kumar @ Mithlesh Mahto, Son of
Ram Bahadur Mahto, Resident of Village- Ghakwa, P.S. khodabandpur,
District Begusarai. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Ajit Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 12-04-2017 Supplementary affidavit has been filed on behalf of

the petitioner annexing the copy of judgment passed in Sessions
Trial No. 102 of 2015 whereby and whereunder the accused
Mukesh Mahto and Umesh Mahto have been acquitted. Let it be
kept on record.

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 18.03.2016 passed in
Cr. Misc. 4076 of 2016, on the ground that the petitioner is
suffering in custody since 14.05.2015 and only on the ground that
prayer of regular bail of co-accused Mukesh Mahto and Umesh
Mahto have been rejected by another co-ordinate bench of this
Court. The prayer of bail of the petitioner was also rejected, but
now those two accused have already been acquitted, there is no
specific allegation and the allegations are general and omnibus in



nature, the identification made by the respondent appears not reliable and further during investigation no one has seen the petitioner opening fire upon the deceased and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that two co-accused whose earlier bail was rejected have already been acquitted.

In the facts and circumstances stated above, now the petitioner is also 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 5th Additional Sessions Judge, Begusarai, in connection with S.T. No. 42 of 2016 arising out of Khodabandpur P.S. Case No. 179 of 2014, 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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