

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27813 of 2017

Arising Out of PS.Case No. -57 Year- 2010 Thana -PIYAR District- MUZAFFARPUR

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1. Naresh Mahto, son of Late Bind Mahto, resident of Village- Maheshpur,
(O.P. Hattha), P.O.- Tepri, P.S.- Pira, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s. Yugal Kishore and Arvind Kumar

For the Opposite Party/s : Mr. Panchanand Pandit,A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 27-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Pear
P.S.Case no. 57 of 2010G.R.No. 1919/ 2010 for the offences
alleged under Sections 341, 376, 379/324 of the Indian Penal
Code.

The prosecution case, as lodged by the informant
(Meera Devi), is that while she was returning from her shop of
Tari, the petitioner along with another co-accused Laloo Mahto
intercepted her and committed rape on her after tightening her
mouth in the field and took away cash of Rs. 3,000/- and one pair
of Payal.

It has been submitted by the learned counsel for the
petitioner that he is innocent, there is no criminal history and has
falsely been implicated in the aforesaid case. He further submits
that the petitioner is in judicial custody since 07.04.2017 and
charge sheet has already been submitted, hence, there is no chance
of tampering with the prosecution witnesses. He further submits



that another co-accused, Lalu Mahto @ Laloo Mahto, has been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 36012 of 2016 on 08.09.2016 on similar allegation.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, let, above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Pear P.S.Case No. 57 of 2010, G.R. No. 1919/2010, subject to the condition that both the bailors would be close relative of the petitioner with sufficient immovable property within the jurisdiction of the concerned police station/court, who will file an affidavit stating their relationship with the petitioner and the petitioner will appear before the court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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