

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.850 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -DHAMDHA District- PURNIA

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1. Vishal Kumar Sah @ Vishal Kr. Mahto @ Vishal Kumar Son of Binod Kr. Sah
2. Abhinash Kumar Mahto@Abhinash kr Son of Binod kr. Sah Both resident of Village- Dhamdha Ohar Tola Police Station- Dhamdha District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-02-2017 The petitioners seek regular bail in connection with Dhamdaha P.S. Case No. 151 of 2016, registered for offences punishable under Sections 366A/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that so far petitioner no. 1 is concerned, the only allegation against him is that he put vermilion on the forehead of the victim and so far petitioner no. 2 is concerned, no specific overt act has been attributed to him and they have been languishing in judicial custody since 31.08.2016 and 20.08.2016 respectively.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that no specific overt act has been attributed to petitioner no. 2, let the



petitioner, namely, Abhinash Kumar Mahto, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri L.B. Paswan, learned Judicial Magistrate -1st Class, Purnia in connection with Dhamdaha P.S. Case No. 151 of 2016, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

So far as petitioner no. 1, namely, Vishal Kumar Sah, is concerned, considering the facts and circumstances of the case, I



am not inclined to grant him, the privilege of regular bail, at least, at this stage.

However, learned trial court is directed to expedite the trial and try to conclude it within a period of six months from today and if the trial is not concluded within the aforesaid period, the petitioner no. 1, will be at liberty to renew his prayer for bail in the court below itself.

(Vinod Kumar Sinha, J)

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