

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21373 of 2017

Arising Out of PS.Case No. -256 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

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Moti Lal Mahto S/o Ramu Mahto Resident of Village - Mejarganj, P.S.
Mejarganj, District - Sitamarhi..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-06-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 09.05.2016 passed in Cr. Misc. No. 7325 of 2016 along with Cr. Misc. No. 7137 of 2016, on the ground that the petitioner is suffering in custody since 05.12.2015 only on the ground that the name of the petitioner was taken by one Surendra Sah that he has seen the petitioner going with the victim and others vide paragraph 102 of the case diary and that Surendra Sah has been examined as pw 4 and he has turned hostile and did not support the prosecution version. Further in this case two of co-accused namely, Sunil Patel and Kamaluddin @ Kallu have been allowed bail vide annexure-4 by another co-ordinate Bench of this Court and as such now the petitioner also deserves sympathetic consideration. The trial has



not been concluded within one year as directed in Cr. Misc. No. 8262 of 2016.

Learned APP fairly submits that now Surendra Sah has turned hostile.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist, Sitamarhi in S. T. No. 243 of 2016 arising out of Mejarganj P.S. Case No. 256 of 2015, 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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