

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58216 of 2017

Arising Out of PS.Case No. -216 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Bhutta Mahto @ Naresh Mahto S/o late Singheshwar Mahto Resident of
village Ishmilepur, P.S. Hajipur Sadar, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
Mr. Kumar Samarjit Singh

For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.02.2017 in connection with Hajipur Sadar P.S. Case No.
216/2016 for offences punishable under Sections 302/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with another accused Mesi Mahto entered
the house and inflicted elbow blow on the chest of her husband,
who during course of treatment died.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and no such act has been committed by him. He submits that the First Information Report was lodged after a delay of 11 days and no plausible explanation has been given for such delay. He further submits that the death occurred after 10 days of the occurrence, charge has been framed and the petitioner undertakes to cooperate in the trial.

Earlier bail application moved by the petitioner bearing Cr. Misc. No. 31925 of 2017 has been rejected by this Court under order dated 12.09.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner gave elbow blow on the chest of the husband of the informant, which resulted in his death.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Addl. Sessions Judge-I cum Special Judge, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 216/2016, subject to the conditions that:

- (1) Both the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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