

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56192 of 2017

Arising Out of PS.Case No. -585 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Upendra Mahto @ Upendra Prasad Mahto @ Upendra Prasad Son of
Muneshwar Mahto @ Muso Mahto, Resident of Village-Surari, Imam
Nagar, P.S.-Halsi, District-Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.12.2016 in connection with Lakhisarai (Ramgarh Chowk) P.S.
Case No. 585 of 2016 (Sessions Case No. 69 of 2017) for offences
punishable under Sections 364/34 of the Indian Penal Code. Later
on Section 302/201/120B of the Indian Penal Code was added.

The prosecution case, as lodged by the informant, is
that her husband Sukar Ram (deceased) had gone out of the house
on receiving mobile call but did not return. It is alleged that earlier
the husband of the informant had an altercation with Mukesh
Thakur and his wife Rinku Devi regarding business transaction.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated on the basis of confessional statement of one co-accused Mukesh Thakur and his own confessional statement before the police, which has no evidentiary value in the eye of law. He submits that one of the co-accused, Naro Ram @ Naresh Ram has been granted the pre-arrest bail. It is further submitted that Mukesh Thakur one of the co-accused named in the F.I.R. has also been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 49979 of 2017 on 09.11.2017. Earlier the bail application of the petitioner was rejected by order dated 14.07.2017 in Cr. Misc. No. 25508 of 2017. He submits that now charges have been framed and co-accused has been granted bail, the petitioner may be given a sympathetic consideration.

However, learned APP for the State opposes the prayer for bail.

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 2nd Additional Sessions Judge, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 585 of 2016 (Sessions Case No. 69 of 2017), subject to the conditions that:



- (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. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, his bail bond shall be cancelled.

(Nilu Agrawal, J)

Devendra/-

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