

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10128 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -VIDYAPATINAGAR District- SAMASTIPUR

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Jay Nath Mahto, son of Dhaneshwar Mahto @ Dhanesh Mahto, resident of
Village- Gadhsisai, P.S. Vidyapatinagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-03-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Sessions Trial No. 735 of 2016, arising out of Vidyapatinagar P.S.Case No. 80 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that initially this case has been registered under Section 307 IPC as there is allegation of assault on the head of the deceased against the petitioner and two other accused persons. However, co-accused having similar allegation have been granted bail by this Court in Cr.Misc.No. 48889 of 2016 vide order dated 30.1.2017 (Annexure-6) and petitioner is in custody for about eight months.

Heard learned APP also.

Having heard both sides and considering the fact that allegation of assault is against the petitioner and two other accused persons and there is only one injury on the person of the deceased and he has remained in custody for eight months and co-accused



having similar allegation having been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-II, Samastipur, in connection with Sessions Trial No. 735 of 2016, arising out of Vidyapatnagar P.S.Case No. 80 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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