

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9459 of 2017

Arising Out of PS.Case No. -236 Year- 2014 Thana -BUXAR MUFFSIL District- BUXAR

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1. Botal Mahto @ Siku Singh S/o Rabishankar Mahto, Resident of Vill - Ratnarh, P.S. - Garhani, Dist - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Smt. Reena Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-03-2017 Supplementary affidavit has been filed on behalf of the petitioner annexing the copy of the deposition of Tarkeshwar Paswan (P.W.1) in Sessions Trial No. 50 of 2015 wherein he has been declared hostile. Let it be kept on record.

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner wants to renew the prayer of bail, which was earlier rejected vide order dated 28.04.2016 passed in Cr. Misc. 47917 of 2015, on the ground that the petitioner is in custody sine 26.11.2014 and during investigation Tarkeshwar Paswan being an eye-witness named the petitioner and two co-accused that they have shot the deceased, but during trial Tarkeshwar Paswan has been declared hostile and, as such, in the



changed circumstances, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that now Tarkeshwar Paswan is retracting from his earlier version.

In the facts and circumstances stated above, considering that trial has not been concluded within a period of nine months as directed by this Court and further the eye-witness Tarkeshwar Paswan has turned hostile and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Sessions Judge, Buxar, in connection with S.Tr. No. 50 of 2015, arising out of Buxar (M) P.S. Case No. 236 of 2014, 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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