

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30486 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana –K. NAGAR District- PURNIA

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Chandradeo Mahto @ Chanderdeo Mahto, Son of Late Basudeo Mahto, R/o
village-Parsadpur, Ward No. 5, P.S. K. Nagar, District, Purnea

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 29-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with K. Nagar (Champanagar) P.S. Case
No. 97 of 2017 for offences punishable under Sections 302/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son, Dipak Kumar, the deceased went outside to play from
the house and did not return. On search, one Gunsagar Mahto told
the informant that the dead body of his son is lying in the maize
field, who saw his son dead and death has been alleged to be
caused by pressing the neck by the petitioner and one Nago Mahto
due to personal enmity.

It has been submitted by the learned counsel for the



petitioner that he is innocent. There is no eye witness to the alleged occurrence. He has no criminal antecedent and has only been named on suspicion as there was personal enmity and property dispute between the parties. He submits that one of the co-accused has already been granted the privilege of bail on similar allegations in Cr. Misc. No. 24507 of 2017 on 20.07.2017 by a co-ordinate Bench of this court. He submits that charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

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

Considering the facts and circumstances and the materials on record and that co-accused on similar allegations has been granted the privilege of bail, 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 Chief Judicial Magistrate, Purnea, in connection with K. Nagar (Champanagar) P.S. Case No. 97 of 2017 on the following conditions:-

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Nilu Agrawal, J)

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