

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56854 of 2017

Arising Out of PS.Case No. -36 Year- 2015 Thana -BASANTPUR District- SIWAN

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Binod Mahto, Son of Khedan Mahto, Resident of Village- Bithuna, Police
Station- Basantpur, District- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party : Mr. Uma Shankar Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier thrice rejected vide orders dated 23.05.2016,
07.12.2016 and 05.07.2017 passed in Cr. Misc. 20910 of 2016, Cr.
Misc. No. 51723 of 2016 and Cr. Misc. No. 24195 of 2017
respectively, on the ground that the petitioner is suffering in
custody since 07.12.2015. Other co-accused have been allowed
bail and in near future the trial is not likely to be concluded as up
till now charges have not been framed.

The learned A.P.P. submits that the petitioner is the
assailant, but in spite of direction given by this Court the trial has
not been started.



In the facts and circumstances stated above, considering the custody of the petitioner and further that in near future the trial is not likely to be concluded 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 Sri. M.K. Srivastava, the learned Judicial Magistrate, Siwan, in connection with Basantpur P.S. Case No. 36 of 2015, 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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