

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13842 of 2018

Arising Out of PS.Case No. -8 Year- 2017 Thana -BACHWARA District- BEGUSARAI

=====

1. Amit Mahton @ Amit Kumar Mahton, son of Bhushan Mahton,
Resident of Village- Goudhana, P.S. Bachhawara, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 302/34 of the Indian Penal
Code.

The deceased brother of the informant came in an
injured condition and disclosed that the petitioner and co-accused
Sujit Mahto assaulted him. The disclosure was made in presence
of Harish Mahto and other villagers. Harish Mahto has also
supported the aforesaid disclosure. When the victim was being
carried to hospital he died on the way.

Learned counsel for the petitioner submits that
even the dying declaration is doubtful as there is no prescription of



reference of the victim to Beigusarai from the Health Centre, Bachhwara. Moreover, there is no eyewitness of the occurrence. The petitioner is in custody since 21.11.2017. Investigation of the case is complete.

Considering the nature of allegation and the nature of material available on the record, let the petitioner, above named, be released on bail **after completion of one year of custody if the trial is not concluded in the meantime** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bachhawara P.S. Case No.8 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

