

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43196 of 2017

Arising Out of PS.Case No. -23 Year- 2016 Thana -BARABAR TOURIST District- JEHANABAD

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KISHORI MAHTO @ MUNI BABA @ KISHORI Son of Radhe Mahato,
Resident of Village- Pirodha Math, P.S.- Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 04-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Barabar (Prayatak) P.S. Case No. 23 of 2016 dated 25.05.2016 instituted for the offences under Sections 147, 148, 149, 323, 341, 435, 307, 386 of the Indian Penal Code; Section 27 of the Arms Act; Section 17 of the Criminal Law Amendment Act, 1932 and Sections 16, 17, 18, 20 of the Unlawful Activities (Prevention) Act, 1967.

The allegation in the F.I.R is that the base camp of the informant was raided and a vehicle parked there was set on fire. One Kamlesh Paswan is alleged to have threatened that if levy is not given by the informant and his master, further damage would be done. During the course of investigation, aforesaid



Kamlesh Paswan who has also been named in the F.I.R, was arrested and he disclosed the name of his associates. It further appears from the F.I.R that Kamlesh Paswan was accompanied by 10-12 miscreants. From the slogans that were being raised, the informant could assess that the miscreants were the members of MCC, a banned outfit.

Learned counsel for the petitioner, however has submitted that because of the petitioner having been made accused in three other cases, earlier, of similar nature, he has been made accused in this case also. As a matter of fact, he was not present at the place of occurrence and his implication is only because of his bad antecedents. It has further been submitted that but for the confession of the co-accused, there is no other material against the petitioner to justify his incarceration in custody any further. The petitioner is in custody since 10.04.2017.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Jehanabad in connection with Barabar Prayatak P.S. Case No. 23 of 2016.



However, it is made clear that in case the petitioner would be found to be involved in any other criminal case of similar nature, it will be open for the Trial Court or the investigating agency to proceed with the cancellation of bail granted to him.

(Ashutosh Kumar, J)

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