

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39645 of 2018

Arising Out of PS.Case No. -308 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

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Umesh Mahto son of Sri Prasad Mahto, resident of Village-Rampur, Ward
No. 04, P.S. Murliganj, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 12.04.2017 passed in Cr. Misc. No.
15559 of 2017.

Petitioner is languishing in judicial custody since
19.11.2016 in connection with Sessions Trial No. 88 of 2017
arising out of Murliganj P.S. Case No. 308 of 2016 for offences
punishable under Sections 302, 147, 341, 323, 324, 307, 504 and
506 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while the informant was stacking the bundles of straw on his
land, petitioner along with other co-accused Rajan Mahto came
variously armed with lathi, danda hit the son of the informant



Ramesh Kumar Sah on the head who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that there was a property dispute in which both sides were on inimical terms and a counter case has been lodged by the petitioner's side bearing Murliganj P.S. Case No. 309 of 2016 for the same occurrence on the same date in which both parties received injuries. He submits that some of the co-accused have been granted the privilege of bail by coordinate Benches of this Court and co-accused Rajan Mahto has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 22457 of 2018 vide order dated 22.05.2018. He submits that he is ready to cooperate in the trial and not tamper with the evidence.

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

Considering the facts and circumstances and the materials on record, 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 Additional Sessions Judge, 1st Madhepura in connection with Sessions Trial No. 88 of 2017 arising out of Murliganj P.S.



Case No. 308 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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