

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68909 of 2018

Arising Out of PS. Case No.-34 Year-2002 Thana- NAYAGAON District- Begusarai

Ashok Mahto, Son of Arjun Mahto, Resident of Village- Sonbarsha, P.S.- Sambho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Nayagaon P.S. Case No. 34 of 2002 registered for the offence punishable under Sections 364, 34 of the Indian Penal Code.

Informant who is the father of victim has alleged that when his son Shailendra Rai was sleeping in the Orchard and another son went to see him in the morning, he found him to be missing and even after much search he could not be located and thereafter he instituted a case against unidentified criminals of kidnapping of his son, however, till date the dead body of victim has not been traced or recovered.

It has been submitted on behalf of the petitioner that similarly placed co-accused has been granted bail by this Court



after charges has been framed against them and petitioner's case is also similarly placed with co-accused as contained in Annexure-2. Petitioner has no criminal antecedent and he is in custody since 08.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I, Begusarai, in connection with Nayagaon P.S. Case No. 34 of 2002 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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