

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40153 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -BALIA District- BEGUSARAI

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1. Pratap Mahto @ Pratap S/o Natho Mahto, Resident of Village- Mirzapur,
P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 24-09-2018 Heard the parties.

This application is for grant of regular bail in connection with Ballia P.S.Case no.75 of 2018 for the offences under Sections 364/34 of the Indian Penal Code and thereafter Section 302 of the IPC.

Allegation against the petitioner and other accused persons is of abducting the husband of the informant and took into the “*Badhar*” and shot him.

Submission of the learned counsel for the petitioner is that the informant is not eye witness of the occurrence and due to enmity the petitioner has been falsely implicated in this case. The petitioner is in custody since 27.4.2018. He has no criminal antecedent.



Heard learned A.P.P. also and the learned counsel for the petitioner. They have opposed the prayer for bail stating that the witnesses during the course of investigation have also named this petitioner as the person who has abducted him, no doubt there is no eye witness of the occurrence.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner at this stage, however, once the charge is framed against the petitioner, the learned trial court shall release the petitioner on bail in connection with Ballia P.S.Case no.75 of 2018 to his own satisfaction.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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