

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4847 of 2019

Arising Out of PS. Case No.-33 Year-2016 Thana- FESHAR District- Aurangabad

SANTOSH MAHTO, son of Upendra Mahto @ Upendra Singh, resident of Vill-Apki, P.S-Kasma, Distt.-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Fesar P.S. Case No. 33 of 2016**, instituted for the offence under Section(s) 399, 402, 414 of the Indian Penal Code, Section 25(1-b)a, 26 and 35 of Arms Act.

It is alleged in the written report that five persons have been apprehended on the spot. It is further alleged that they were planning to commit dacoity. The name of petitioner has been disclosed by co-accused persons who have been arrested by the police.

Counsel for the petitioner submits that there is no recovery of any incriminating article from possession of the petitioner. No Test Identification Parade has been held. He has



not been apprehended on the spot. Counsel for the petitioner further submits that other co-accused persons have been granted bail by this Court as well as coordinate Bench of this Court vide orders dated 10.3.2017 and 13.7.2017 passed in Cr. Misc. 8714 of 2017 and 32499 of 2017 respectively.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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-III, Aurangabad,** in connection with **Fesar P.S. Case No. 33 of 2016,** subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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