

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23505 of 2019

Arising Out of PS. Case No.-388 Year-2018 Thana- ARA NAGAR District- Bhojpur

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Bhukhan Mahto @ Prasant Mahto (Male), aged about 27 years, Son of Kamta Mahto @ Kamta Prasad Singh, Resident of Village - Ibrahim Nagar, P.S.- Ara Town, Distt.- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Prasad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 120 (B)/34 of the Indian
Penal Code. Read with Section 27 of the Arms Act.

Informant has alleged in his fardbeyan that while he
was standing alongwith his brother Shyam Babu Yadav near
Dharahar bridge All FIR named accused persons including
petitioner came there on three motorcycles and took away his
brother on their motorcycles thereafter he followed the
motorcycles and saw that FIR named accused including
petitioner are firing upon his brother who died and thereafter
accused fled away on motorcycles.



The other co-accused persons have already been granted bail by different Benches of this Court vide orders dated 12.03.2019 passed in Cr. Misc. No. 8915/2019, dated 22.05.2019 passed in Cr. Misc. No. 24397/2019, dated 03.06.2019 passed in Cr. Misc. No. 27252/2019 and dated 30.05.2019 passed in Cr. Misc. No. 22373/2019.

The petitioner is in custody since 09.10.2018.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 388 of 2018 subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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