

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.401 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- BACHHWARA District- Begusarai

BINDESHWARI MAHTON son of Lekha Mahto Resident of Village
Chamtha Chanytoi Bandhpar P.S. Bachwara District Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Sri Matloob Rab

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 14-03-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in her FIR that when his
husband was returning on motorcycle on 28.03.2018 at 9 P.M.
on his motorcycle then he was killed by criminal near his house
and on hearing the sound of firing she and all family members
rushed to the place of occurrence, where she found her husband
dead. It has been further alleged that in FIR that she saw
Bindeshwari Mahton (petitioner) and another accused who are
his family members fleeing away from the place of occurrence
carrying pistol with them. It has been further stated that her
husband was instrumental in getting the son of petitioner
arrested in an excise case and thereafter they were being



threatened to be killed by accused and petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Although he is named in FIR but they have been made accused only on the basis of suspicion and enmity. Informant is not an eyewitness. Petitioner has got no criminal antecedent and is in custody since 30.06.2018.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Bachhwara P.S. Case No. 57 of 2018** with following condition:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be



cancelled by the court below.

(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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