

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78538 of 2018

Arising Out of PS. Case No.-259 Year-2018 Thana- KATHAIYA District- Muzaffarpur

Balendra Mahto son of Late Ruplal Mahto, resident of village-Bagwara, P.S.-
Kathaiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Kathaiya P.S. Case No. 259 of 2018** registered for the offence punishable under Sections 341, 342, 323, 324, 307, 302, 120B/34 of the Indian Penal Code.

Informant in her written complaint has alleged that due to land dispute within the family the FIR named accused who are cousin of the deceased assaulted her husband by knife resulting in his death. Allegation against the petitioner is that he provided shelter to the main accused and when informant and others went to his house he assaulted her elder Brother-in-Law and gave safe passage to the main accused to flee away.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on



suspicion. Petitioner has got no criminal antecedent and is in custody since 22.09.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

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 **Additional Chief Judicial Magistrate-2nd, West, Muzaffarpur**, in connection with **Kathaiya P.S. Case No. 259 of 2018**, with following conditions:-

(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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