

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71931 of 2019

Arising Out of PS. Case No.-223 Year-2019 Thana- KUDHNI District- Muzaffarpur

RAM KUMAR MAHTO S/o Nagendra Mahto R/o village- Chakmaruf, P.S.-
Belsar, District- Vaishali Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner in this case is seeking regular bail in connection with Kudhni P.S. Case No. 223 of 2019 registered for the offences punishable under Sections 328, 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of co-accused and nothing incriminating has been recovered from his possession. It is further submitted that the petitioner is in custody in this case since 17.05.2019 and he has not been put on test identification parade.

Learned APP has opposed the prayer of bail.

Considering the facts and circumstances of the case wherein it is the submission of the learned counsel for the



petitioner that the petitioner is in custody since 17.05.2019 for about last more than six months but no TIP has been conducted, therefore, there is no identification of the petitioner and nothing incriminating has been recovered from his possession and that the name of the petitioner has transpired in the confessional statement of co-accused as also that there is no apprehension that after release the petitioner would not co-operate in course of trial, let the petitioner above named be released on bail on in connection with Kudhni P.S. Case No. 223 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 3rd, West Muzaffarpur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any Police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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