

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23528 of 2020

Arising Out of PS. Case No.-18 Year-2017 Thana- KHAGARIA RAIL P.S. District- Khagaria

PRAMOD MAHTO S/o Late Wakil Mahto @ Wakil Mahto Resident of
Village-Mahsaurhi, Police Station- Muffasil, District-Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Khagaria Rail P. S. Case No.



18 of 2017 instituted for the offence under Section(s) 302 and 201/34 of the I.P.C.

The recovery of dead body from the down Railway line leading to institution of the FIR. In course of investigation, wife of the victim has raised suspicion against some persons, including the petitioner based on a subsisting land dispute.

Mr. Singh appearing for the petitioner submits that other than suspicion there is nothing to connect the petitioner with the alleged occurrence. It is further submitted that the suspicion was raised against the petitioner at par with co-accused Md. Kare @ Huzail Ashraf, who has also been allowed bail in Cr. Misc no. 81580 of 2019. The other co-accused person, namely, Bipin Chaudhary, Bipin choudhary, Md. Haidar @ Md. Haidar Ali, Md. Sarfuddin @ Md. Ujulwa, Md. Maqbool @ Masroor @ Maqbool Alam @ Md. Masroor have all since been enlarged on bail. The petitioner is the man of clean antecedents and is in custody since 24.09.2019 i.e. about one year.

The learned APP opposed the prayer for bail by submitting that the petitioner has been named during the course of investigation.

Considering the aforesaid, 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 the Additional Sessions Judge VI, Khagaria, in connection with Sessions Case no. 33 of 2020 arising out of Khagaria Rail P.S. Case No. 18 of 2017 , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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