

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2326 of 2022

Arising Out of PS. Case No.-71 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

Shivam Mahto @ Shivan Mahto @ Shivna @ Shivan, Son Of Rambabu
Mahto R/O Village- Maheshbara, P.S.- Nawkothe, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai
For the State	:	Mr. Zainul Abedin
For the Informant	:	Mr. Surya Narayan Sah

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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

The learned counsel for the petitioner submits that this is his second attempt as earlier his bail application was rejected by order dated 09.03.2021 in Cr. Misc. No.33927 of 2020. It is further submitted that the Hon'ble Court while rejecting the bail application had directed the learned Court below to expedite the trial and conclude the same within a period of nine months. The learned counsel submits that thereafter co-accused Rahul Kumar has been granted bail by order dated 11.08.2021 in Cr. Misc. No.3720 of 2021.

The learned counsel for the petitioner submits that the



petitioner is in custody since 13.07.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and charges have been framed.

Learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that similarly situated co-accused has been granted bail after the bail of the petitioner was rejected.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case, charges have been framed and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No.318 of 2021 arising out of Nawkothi P. S. Case No.71 of 2020.

However, if the petitioner after release delays the trial, the learned Court below shall forthwith cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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