

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28697 of 2017**

Arising Out of PS.Case No. -112 Year- 2016 Thana -BHAGWANPUR District- BHABHUA  
(KAIMUR)

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Raju Mahto S/o Sri Jag Narayan Mahto R/o Village- Rangpur, P.S.-  
Darigaon, District- Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      31-08-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
23.07.2016 in connection with Bhagwanpur P.S. Case No. 112 of  
2016 registered for the offence punishable under Sections 364,  
365 and 120(B) of the Indian Penal Code.

The prosecution case, as per the informant, is that the  
grandfather and the grandmother of the informant had gone to the  
field, but did not return. It is alleged that one Sandesh Singh along  
with his agnates named in the First Information Report has killed  
the grandfather and grandmother of the informant due to land  
dispute.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced only on the confessional statement of one Pramod Tiwari @ Naga, who has also stated that the petitioner was with the co-accused persons, but left in the midway. It has been submitted that confessional statement of co-accused before the police has no evidentiary value in the eye of law and the petitioner has not been alleged even by the co-accused of having assaulted the two deceased. He submits that co-accused Shrawan Kumar @ Shrawan Kumar Singh named in the First Information Report has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 38322 of 2016 on 28.10.2016.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the bones of the grandfather and the grandmother of the informant have been recovered.

Considering the facts and circumstances and the materials on record as well as the fact that there is no direct allegation against the petitioner, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No. 112 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J.)**

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