

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26690 of 2015

Arising Out of PS.Case No. -133 Year- 2013 Thana -MUNGER MUFFASIL District- MUNGER

1. Birender Mahto S/o Baleshwar Mahto R/o village - Hemjapur,
Chaintola, P.S. Dharhara, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Md.Arif (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 30-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Munger
Muffassil P.S. Case No. 133 of 2013 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the informant and his son were sleeping at
Batai field for watching the same and then the informant saw that
from the hut of co-accused Kisho Mahto two persons came out
and started pressing the neck of his son and thereafter, co-accused
Mukesh Mahto after being instigated by his father Kisho Mahto
shot Tanuki Mahto the son of the informant in his mouth and the

informant identified Mukesh Mahto and one of the son-in-law of Kisho Mahto who was the resident of village Hemajapur, Munger and further saw that the three fled away out of whom Mukesh Mahto and son-in-law of Kisho Mahto were opening fire.

Submission is of false implication and that the petitioner is not named in the FIR, there are two sons-in-law of Kisho Mahto in village Hemajapur and as to how the name of the petitioner has come is not explained. The petitioner is in custody since 11.11.2014 but he has not been put on test identification parade to ascertain the name. The petitioner is not the assailant and as such he deserves sympathetic consideration.

Learned APP fairly submits that Mukesh Mahto is the assailant and Kisho Mahto is the order giver.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Munger Muffassil P.S. Case No. 133 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)