

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48587 of 2014

Arising Out of PS. Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

DILIP KUMAR MAHTO @ DILIP MAHTO S/O LATE LAXMAN
MAHTO RESIDENT OF MOHALLA MASRAK BAJAR, P.S. TOWN,
DISTRICT DARBHANGA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Rohit Kumar, Adv.

For the Opposite Party/s : Mr. U.S.P Singh, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 26-03-2015

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor assisted by learned counsel for the
informant.

Having some sort of differences during course of
negotiation of sale of land has been shown to be motive for
commission of murder of deceased Md. Ibrar and for that
suspicion has been shown against the persons, namely, Saif
Alam @ Khursid Alam, Dilip Mahto, Kundan Sonar, Jai Kumar
and others.

Admittedly, informant is not an eyewitness to
occurrence. He has stated that Md. Kaisar was accompanying
the deceased at the time of incidence who had disclosed that a
bolero jeep occupied by Dilip Mahto, Saif Alam @ Khursid
Alam, Kundan Sonar, Jai Kumar along with others intercepted
them and then Noor Alam came out from the vehicle who, on



an order of his brother Saif Alam pumped bullet causing instantaneous death of deceased as is evident from para-6, further statement of informant. Motive for commission of offence had reiterated. Md. Kaisar has been examined under para-10 of the case diary wherefrom also it is apparent that a bolero jeep occupied by Dilip Mahto, Saif Alam @ Raju, Kundan Sonar, Jai Kumar and others intercepted them. Then thereafter Noor Alam came out from the vehicle and on an order of Saif Alam @ Raju he shot at causing instantaneous death. Other witnesses have also been examined who had reiterated the version of Kaisar stating the names of accused as disclosed by Kaisar. In para-169 one Md. Ejaz has been examined who also claimed to be brother of deceased and who had, during course of his statement claimed to be an eyewitness to occurrence. He had stated that while his brother deceased Md. Ibrar along with one person was going on bicycle, one bolero came and intercepted them. One person got down and fired indiscriminately on account of which his brother died instantaneously. He further stated that he rushed to place of occurrence and found the vehicle having been occupied by Saif Alam @ Raju, Dilip Mahto, Kundan Sonar, Jai Kumar and Babloo whom he identify since before. Then thereafter they escaped therefrom. It is further evident that after apprehension of Noor Alam, the assailant the reason best known to the prosecution was put on T.I. Parade wherein witness Md. Kaisar

participated and from the T.I. Parade chart dated 24.04.2014, it is apparent that he had not identified aforesaid Noor Alam whom he had claimed to be an assailant. Furthermore, it is apparent that Noor Alam had already been granted bail vide Cr. Misc. No.28351 of 2014 while co-accused Babloo @ Md. Asrar Alam has been granted bail vide Cr. Misc. No.36065 of 2014.

At the present moment, learned counsel for the informant submitted that from the call details of the accused persons it is apparent that they were in touch with each other and at the relevant time their location near around place of occurrence which is not going to give any additional help to the prosecution more particularly on account of having severe dent in the prosecution case, as stated above.

Consequent thereupon, petitioner Dilip Kumar Mahto @ Dilip Mahto is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Second Additional Sessions Judge, Darbhanga in connection with Sessions Trial No.333 of 2014 arising out of Sadar P.S. Case No.132 of 2014.

(Aditya Kumar Trivedi, J.)

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