

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31933 of 2016

Arising Out of PS.Case No. -517 Year- 2015 Thana -MARHAURA District- SARAN

Shiv Nath Mahto, S/o Devdhari Mahto, resident of village Talpuraina P.S.
Marhowrah Distt- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.34674 of 2016

Arising Out of PS.Case No. -517 Year- 2015 Thana -MARHAURA District- SARAN

Dinesh Singh @ Dinesh Kumar Singh, Son of Sri Rajeshwar Singh, resident
of village-Talpuraina (Muriya tola),P.S-Marhaurd, District-Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.31933 of 2016)

For the Petitioner/s : Mr. Rajani Kumari

For the Opposite Party/s : Mr. Smt Renu Kumari

(In Cr.Misc. No.34674 of 2016)

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 20-09-2016 Both the Criminal Miscellaneous are of the same
occurrence and, as such, have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners, the
learned counsel representing the State, as also the learned senior
counsel for the informant.

The petitioners seek bail in connection with S. Tr. No. 315 of 2016 arising out of Marhaura P.S Case No. 517 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code

Allegedly, the petitioners and two other F.I.R. named accused persons along with unknown caught Sureshwar Prasad Dikshit the uncle of the informant, the petitioner Dinesh Singh opened fire and thereafter, others also opened fire, resulting the informant fled away after making alarm and after return he found his uncle seriously injured, he was brought at referral hospital, Marhowrah where he was declared dead. It is alleged that earlier also attempt was made to kill the deceased as dispute was going on with co-accused Dinesh Singh.

Submission is of false implication and that against the petitioner Shiv Nath Mahto there is no specific allegation, there is no direct or indirect allegation against him, the informant is not an eye-witness and due to previous enmity he has been implicated in this case. Other co-accused Sharmila Singh, Dharmendra Singh and Paras Mahto have been allowed bail and, as such, the petitioner Shiv Nath Mahto deserves sympathetic consideration.

Learned counsel appearing on behalf of the petitioner

Dinesh Singh @ Dinesh Kumar Singh, submits that due to previous enmity he has been named in this case.

Learned A.P.P. duly assisted by the learned senior counsel for the informant opposes the prayer of bail by submitting that on the person of deceased, two wounds of entry and two wounds of exit were found and there is allegation that Dinesh Singh @ Dinesh Kumar Singh and others opened fire and petitioner Shiv Nath Mahto has got criminal antecedent.

In the facts and circumstances as stated above, considering that against the petitioner namely, Shiv Nath Mahto there is general and omnibus allegation and, as such, the petitioner Shiv Nath Mahto is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Saran at Chapra, in connection with S.Tr. No. 315 of 2016 arising out of Marhaura P.S Case No. 517 of 2015, subject to the conditions that one of the bailors must be 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.

So far as the petitioner namely, Dinesh Singh @ Dinesh Kumar Sing, is concerned, against him there is direct allegation and as such, I am not inclined to enlarge him on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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