

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9604 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -PANDARAK District- PATNA

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1. Pappu Mahto Son of Vakil Mahto, Resident of Village - Chamtha
(Chamtha Gope Tola), P.S. - Bachhwara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-04-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 307, 436 and 427 of the
I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and other FIR named co-
accused and four unknown being armed came and opened firing
on Ajay Kumar, the brother of the informant, started burning the
hut and also burnt the tractor and further they opened fire causing
injury to the brother of the informant and also to Ramji Rai.

Submission is of false implication and that against the
petitioner there is no specific allegation, the specific allegation is
against Lal Babu to cause firearm injury to Ajay Rai which is



evident from the statement of Ajay Rai, vide paragraph-40 of the case diary, the fire shot by Rakesh Rai hit the brother, the allegations are omnibus and general in nature, the statements of the witnesses are contradictory to each other, the informant Vijay Rai and his brother Ajay Rai have got criminal antecedents and they are accused in three cases, the petitioner is suffering in custody since 26.10.2015 and has been remanded in this case on 09.01.2016 and as such he deserves sympathetic consideration as co-accused Lal Babu Rai and others have been allowed bail vide Cr. Misc. No. 27189 of 2015.

The learned A.P.P. fairly submits that from the statement of Ajay Rai vide paragraph-40 of the case diary it reveals that the specific allegation is against Lal Babu and Rakesh Rai for causing fire arm injury.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar, A.C.J.M. Barh, Patna in Pandarak P.S. Case No. 43 of 2015, 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.

(Jitendra Mohan Sharma, J)

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