

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12423 of 2017

Arising Out of PS.Case No. -118 Year- 2016 Thana -CHIKSAURA District- NALANDA
(BIHARSHARIFF)

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1. Raj Kumar Matho @ Raj Kumar ,
2. Kameshwar Mahto, Both Sons of Narsingh Mahto, Resident of Village-
Sahbajpur, P.S.- Chiksaura, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 22-03-2017 Heard both sides.

The petitioners seek bail in Chiksaura P.S. Case No. 118/2016, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant named ten persons including these two petitioners Raj Kumar Mahto and Kameshwar Mahto and alleged that while the brother of the informant Faujdari Yadav was bringing earth by the side of a river, the petitioners and other accused persons made indiscriminate firing. It is further alleged that Kishore Mahto fired which hit on the armpit of Faujdari Yadav and he fell down on the ground and during the course of



treatment he died.

Learned counsel for the petitioners submits that the petitioners are named in the F.I.R. and they are also alleged to have made firing, but the firing made by the petitioners did not hit the deceased Faujdari Yadav. The informant himself made specific allegation that it was Kishore Mahto who fired at his brother Faujdari Yadav, which hit on his armpit. The post-mortem report shows that there is wound injury on the chest and another wound injury on the back area right to spine and both the injuries are communicating to each other.

Considering the facts aforesaid and the fact that the petitioners of course are alleged to have opened fire, but firing made by the petitioners did not hit the deceased, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate Ist, Hilsa (Nalanda) in connection with Chiksaura P.S. Case No. 118/2016.

(Prabhat Kumar Jha, J.)

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