

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47152 of 2017

Arising Out of PS.Case No. -106 Year- 2017 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. CHHOTU MAHTO @ CHHOTU KUMAR @ CHHOTU MAHTA Son
of Ram Nath Mahto, R/o Village- Mohanpur Ward No. 12, P.S.- Muffasil,
District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Muffasil P.S.
Case No. 106 of 2017 for offences punishable under Sections 302,
34 of the Indian Penal Code and 27 of the Arms Act, although
charge-sheet has been submitted under Sections 304, 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was sleeping in the house she got information that
her son Saurav Kumar aged 12-13 years has been killed. She
found her son lying on the road having gun shot injury on his chest
and abdomen. He was brought to the hospital where he succumbed



to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and not named in the First Information Report. He submits that during investigation it has come that a witness has seen three persons including the petitioner fleeing away on a motorcycle and one of the three persons had fired on the deceased and that one of the accused persons had been granted pre-arrest bail by a coordinate Bench of this court. He further submits that petitioner has been implicated only on the basis of suspicion and that the father of the deceased had bought a piece of land in which the father of the petitioner had supported the informant's husband and that no motive has been assigned for the said offence. It is further submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and there is no eye-witness to the alleged occurrence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai, in connection with Muffasil P.S. Case No. 106 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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