

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17630 of 2017

Arising Out of PS.Case No. -248 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

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Mahendra Mahto @ Khagan Mahto, Son of Late Dahu Mahto, Resident of
Village- Oraiya, P.S. Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 12-05-2017 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No.10 of 2015, arising out of Lakhisarai P.S. Case No.248 of
2014, registered under Sections 302/34 of the Indian Penal Code
besides Section 27 of the Arms Act.

The accusation is that the informant Lalan Mandal
alongwith his nephew Gopal Mandal reached to the field of Adhin
Mahto where eight persons, named in the F.I.R., including the
petitioner were present. At that time, the co-accused Subodh



Mahto and Ranjeet Mahto having pistols in their hands shot fire at Gopal Mandal. The firing made by the co-accused Subodh Mahto caused injury at the chest of Gopal Mandal whereas the firing made by Ranjeet Mahto caused injury at the right arm of Gopal Mandal. Thereafter, all the accused persons started to make firing. When the informant started to raise alarm, all of them fled away from there making fire. While Gopal Mandal, the nephew of the informant, was rushed to Sadar Hospital, Lakhisarai, for treatment but he had already died.

Learned counsel appearing on behalf of the petitioner submits that while the petitioner is named in the F.I.R. alongwith other seven accused but specific allegation to cause injury to the deceased Gopal Mandal, the nephew of the informant, by making fire is against the co-accused Subodh Mahto and Ranjeet Mahto. No specific overt act has been attributed to the petitioner. Further submission is that, earlier, the prayer of the petitioner for grant of bail was rejected by a Bench of this Court vide order dated 23.01.2015 passed in Criminal Misc. No.35841 of 2014 considering the involvement of the petitioner in two other cases, as detailed in paragraph-3 to this application, but in those cases, the petitioner is on bail. In the present case, the petitioner is in custody since 10.05.2014. Further submission is that the similarly situated



co-accused Anandi Mahto, Uchit Mahto and Gore Lal Mahto have already been granted bail by a Bench of this Court vide order dated 15.01.2015 passed in Criminal Misc. No.1782 of 2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, 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 the Additional Sessions Judge-I, Lakhisarai, in connection with Sessions Trial No.10 of 2015, arising out of Lakhisarai P.S. Case No.248 of 2014.

(Rajendra Kumar Mishra, J)

P.S./-

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