

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39166 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

=====

Pawan Kumar @ Pawan Mahton, son of Ram Badan Mahto, resident of village-Patla, P.S. Khodawandpur (Chhaurahi O.P.), District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 12-12-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Khodawandpur P.S. Case No.128 of 2016 registered under Sections 307 and 120(B)/34 of the Indian Penal Code besides Sections 25(1-B)a, 26 and 27 of the Arms Act.

The accusation is that in course of morning walk, on 08.10.2016, the informant Ramjivan Mahto along with his friend Ramnandan Yadav, was moving towards Mekarri Petrol Pump. In the meantime, two persons on the motorcycle came and shot fire, which passed over touching the head of the informant. Thereafter, both the motorcycle riders stopped the motorcycle at the distance of about 5 feet. The person, who was pillion rider, get down



from the motorcycle and asked to kill. On hearing this, the informant reached there and caught hold of that person, who was armed with pistol. In that course, that person fired from his pistol causing injury below the knee of right leg of the informant. Thereafter, the informant and his friend fled away in the sugar cane field from where the informant informed his son. The informant was rushed to Primary Health Centre, Khodawandpur. The further allegation of the informant is that in the Panchayat Election, Vidya Paswan, Gopal Paswan alias Ranjeet Paswan and Ramswaroop Paswan asked the informant to support in the election. When the informant refused, they went from there giving threatening of dire consequences. When Vidya Paswan lost the election, he used to say the informant that due to him he lost the election. As such, the informant believed that under conspiracy, they got managed to commit the present occurrence.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, Vidya Paswan, in his statement, confessed that this petitioner instigated the others to commit the occurrence. Except that, there is nothing against the petitioner to show his involvement in the commission of the present occurrence. While the petitioner is accused in Khodawandpur P.S. Case No.34 of 2016 but, in that



case, on investigation, the police has submitted final form against the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Manjhaul, District-Begusarai, in connection with Khudawandpur P.S. Case No.128 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

