

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74191 of 2018

Arising Out of PS. Case No.-73 Year-2016 Thana- KATRA District- Muzaffarpur

Lalan Mahto son of Late Ram Prasad Mahto, resident of Village- Dargah,
Police Station- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pradhsu Murli Manohar Prasad
		Mr. Rajev Kumar Goswami, Advocates
For the Opposite Party/s :		Mr. Sri Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 17-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in katra P.S. Case No.73 of 2016,
S.Tr. No.3 of 2017 registered for the offence punishable under
Sections 447, 307, 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

Informant has alleged that while he was sleeping with
his grandson Uday Kumar, F.I.R. named accused including the
petitioner came and Mukesh Singh and Sonal Kumar were
having pistol in their hand. Mukesh Singh fired upon him but it
hit his grandson Uday Kumar. Thereafter, at the instigation of
the petitioner, Sonal Kumar fired second shot but it did not hit
the informant. However, his grandson was carried to hospital
where he died in course of treatment.

It has been submitted on behalf of the petitioner that



admittedly there is land dispute between the parties and there is no allegation of firing against the petitioner. Petitioner has no criminal antecedent and he is in custody since 29.11.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. 13th, Muzaffarpur in connection with katra P.S. Case No.73 of 2016, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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