

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37143 of 2018

Arising Out of PS.Case No. -159 Year- 2017 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Pankaj Kumar Mahto S/o Bhatu Mahto @ Bhattu Mahto, R/o Vill.-
Pusaho, P.S.- Bithan , District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 302/34/120B of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, when the informant heard the sound of firing, in the light of torch he saw that four persons named in the FIR including the petitioner were firing at his brother. When he reached near his brother he disclosed that the petitioner and co-accused Anil Mahto and Sonu Mahto had fired at him. Thereafter, his brother died instantly.

Submission of the learned counsel for the petitioner is that in fact the informant is not an eyewitness of the



occurrence; rather after getting dead body he lodged the false case. Allegation is not corroborated by the medical evidence as the doctor has found only two wounds of entry and the corresponding wounds of exit. Seeing four wounds on the body of the deceased the informant implicated four persons. There is no other eyewitness of the occurrence. Petitioner is in custody since 09.10.2017. Investigation of the case is complete.

Considering the fact that allegation of the informant is not corroborated by the medical evidence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bithan P.S. Case No.159 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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