

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59831 of 2018

Arising Out of PS. Case No.-21 Year-2001 Thana- HARNAUT District- Nalanda

Pappu Kumar @ Shyam Sunder Son of Ganeshi Mahto @ Ganesh Mahto,
resident of Village- Chauria, P.S. Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in Harnaut P.S. Case No.
21 of 2001 instituted for the offence under Sections 302, 120B
of the Indian Penal Code and Section 27 of the Arms Act.

In the written report it is alleged that on the date of
occurrence, the informant heard sound of firing and saw that
her son Brindra Kumar @ Guddu has sustained firearm injury
and he fell down on the ground. It is further alleged that
informant saw the petitioner along with three accused persons
as named in the written report having armed with pistol. It is
further alleged that accused persons also gave threat to the
informant. Shatrudhan Mahto fired on her but it did not hit.
Thereafter, all the accused persons as named in the written



report surrounded the husband of the informant and caused firearm injury to him on account of which he died on the spot.

Counsel for the petitioner submits that petitioner was in custody from 19.1.2001 in reference to Case No. 185M of 2001 and he was released from Jail on 17.2.2001. In this respect he has filed Annexure-3 which is letter sent by Superintendent of Jail, Danapur in the court of Chief Judicial Magistrate, Nalanda. Counsel for the petitioner further submits that petitioner was not present on the date of occurrence which is said to be 2.2.2001. Therefore, the police during investigation after not finding the material against the petitioner has exonerated him and not sent up him for trial. Copy of charge sheet has been enclosed as Annexure-2. The court below has taken cognizance against the petitioner also for the offence under Section 302 along with other allied Sections.

Petitioner is said to be in custody since 21.07.2018.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Additional Chief Judicial Magistrate-V, Bihar Sharif (Nalanda) in connection



with Harnaut P.S. Case No. 21 of 2001, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any valid reason his bail bonds will liable to be cancelled.

(Sanjay Priya, J)

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