

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7054 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- SAHIYARA District- Sitamarhi

CHANDANI MAHTO @ CHANDANIA @ BIRENDRA MAHTO @
BIRENDRA, S/o Sonelal Mahto, Resident of Village- Haribela, P.S-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.
For the Informant : Mr. Anil Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard leaned counsels for the petitioner, informant
and the State.

The petitioner is languishing in custody since
20.10.2018 in a case registered for the offences punishable
under Sections 147, 148, 149, 302 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Binda
Devi recorded by S.I., Bigan Ram of Sitamarhi Town P.S. on
02.09.2018 at Sadar Hospital, Sitamarhi is to the effect that on
01.09.2018 at about 12.00 P.M., the son of the informant was



sitting on chair near his house. In the meantime, seven accused persons including the petitioner came and made indiscriminate firing upon the son of the informant, as a result, the son of the informant fell down and subsequently, the son of the informant died.

It is submitted by learned counsel from the petitioner that the accusation of firing has been levelled against seven accused persons including the petitioner but the victim only received one firearm injury. It is further submitted that there is no eye witness to the said occurrence. Moreover, similarly situated co-accused persons has been granted bail by co-ordinate Bench of this Court vide Cr. Misc. Nos.5320 of 2019, 79011 of 2018 and 1974 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in other three cases apart from the present one, but in all those cases he is on bail.

Learned counsel for the informant submits that earlier the petitioner was made accused in Sahiyara P.S. Case No.28 of 2002, when the husband of the informant was killed and apart from the present case, the petitioner was accused in three other cases. It is further submitted that in the earlier cases the trial is on the verge of conclusion.



Considering the fact that specific accusation of firing by seven accused persons including the petitioner but medical report suggests that only one injury being caused to the victim and similarly situated co-accused persons have been granted bail, let the above named petitioner 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 **A.C.J.M.-V, Sitamarhi**, in connection with **Sahiyara P.S. Case No.147 of 2018**.

(Dinesh Kumar Singh, J)

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