

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10378 of 2019

Arising Out of PS. Case No.-639 Year-2018 Thana- KHAGARIA District- Khagaria

JAIBA @ JAIBA MAHTON @ JAIJAI RAM MAHTON S/o Late Sita Ram
Mahton village-Mathurapur, P.S. and Distt.-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.12.2018 in connection with Khagaria P.S. Case No. 639 of
2018 for offences punishable under Section 307 and other allied
Sections of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while he was sitting in his semi-constructed house the
petitioner along with co-accused Pappu Paswan arrived there.
When the informant demanded Rs. 25,000/-, which was fishery
pond dues, on the order of the petitioner, co-accused Pappu
Paswan fired two rounds but the informant fled away without
being hurt.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case being on inimical terms with the informant. He further submits that Section 307 of the IPC and offence under the Arms Act is not made out as the informant did not sustain any injury and firing is not attributable to the petitioner. He undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as one more case, although under different offence, is pending against him.

Considering the nature of allegations and the materials on record, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No. 639 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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