

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11344 of 2019

Arising Out of PS. Case No.-307 Year-2018 Thana- WARISNAGAR District- Samastipur

Sudhir Kumar Mahto @ Sudhir Mahto, aged about 26 years Gender – Male,
Son of Ram Deo Mahto @ Ram Dev Mahto Resident of Village - Sari Tole
Chakmurad, P.S.- Warisnagar, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 307/2018 registered under Sections 302 & 120(B) of the Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Samastipur.

Learned counsel for the petitioner submits that on perusal of the F.I.R., it would appear that one Lalo Mahto had asked the son of the informant to accompany him as one Sudhir Kumar Mahto (Petitioner) was calling. It is on this information that son of the informant went along with the said Lalo Mahto, later on he was allegedly shot dead by shooter Pankaj Kumar. Learned counsel submits that so far as this petitioner is



concerned, he had neither visited the house of the informant nor any special role has been assigned to him.

On the other hand, learned A.P.P. representing the State submits that when Lalo Mahto visited the house of the informant to call her son in the name of this petitioner calling him, her son had disclosed the identity of this petitioner and thereafter had left with Lalo Mahto. It is submitted that in the given facts and circumstances the complicity of the petitioner is still under investigation, and, therefore, it would not be just and proper to enlarge the petitioner on anticipatory bail.

In the given facts and circumstances of the case where the investigation is still going on and the name of this petitioner has transpired in the first information report itself, this court is not willing to extend the benefit of anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is refused.

In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today, the same shall be considered by the court below on its own merit, keeping in mind the materials which may be collected by the investigating officer during this period. Such consideration will be without prejudice



to the contentions of the petitioner and the court shall not be prejudiced because of rejection of the anticipatory bail of the petitioner.

(Rajeev Ranjan Prasad, J)

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