

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16449 of 2019**

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

RAKESH MAHTO Son of Kapil Mahto @ Kapileshwar Mahto Resident of
Village- Fulprasi, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 15-07-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sahiyara P.S. Case No.147 of 2018 registered under Sections 147, 148, 149, 302 and 120-B of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Chief Judicial Magistrate, Sitamarhi.

The accusation is that, on 01.09.2018, Rakesh Das, the son of the informant Binda Devi, was sitting on the chair at the distance of about 10 Lagghi from her door. At about 12.00 noon, seven persons, named in the F.I.R., including the petitioner boarding on three motorcycles came near the son of the informant and made indiscriminate firing at him, due to which the son of the informant fell down on the ground. Thereafter, all fled away from there. The



cause of occurrence is that Kapal Mahto and Chandni Mahto were accused in the case of murder of the husband of the informant in which after trial, they were to be convicted, due to that reason, they along with others committed the murder of the son of the informant.

Learned counsel appearing on behalf of the petitioner submits that while the allegation has been made in the F.I.R. about making indiscriminate firing by seven persons including the petitioner but in the post-mortem examination of the dead body of the son of the informant, only one firearm injury was found on his person. In fact, due to old enmity, the petitioner has falsely been implicated in this case.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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