

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23300 of 2019**

Arising Out of PS. Case No.-608 Year-2015 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

=====

Pramod Kumar @ Pramod Kumar Mahto, aged 36 years, Male, Son of Madan Mahto, Resident of Mohalla- Sikandarpur Town, P.S.- Muzaffarpur Town, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Nachiketa Jha, Advocate
For the State : Mr.Shyameshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

2 15-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Muzaffarpur Town P.S. Case No. 608 of 2015.

3. It is submitted that the petitioner has been falsely implicated and the thrust of accusation of firing on the head of the informant's brother is upon co-accused Suraj Kumar and by co-accused Dinanath Mahto in his *Panjara*. The accusation of firing against the petitioners and other accused persons is general and omnibus in nature. The post mortem report discloses only two firearm injuries of entry and exit in the head and right side of the chest of the deceased. There is delay of a day in institution of the FIR although the informant himself claims to be eye-witness. The petitioner has been implicated in the backdrop of earlier FIR in Muzaffarpur Town P.S. Case No. 1039 of 2014 instituted by him against the informant's side. The petitioner claims clean antecedents.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 608 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

U		T	
---	--	---	--

