

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50072 of 2019

Arising Out of PS. Case No.-177 Year-2017 Thana- MADHAURAH District- Saran

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DHARAM MAHTO @ DHARMA MAHTO, aged about 24 years (Male),
Son of Late Ramayan Mahto Resident of Village-Tehati, Bintoli, P.S.-
Marhowrah, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs.Rajani Kumari, Advocate.
For the Opposite Party : Mr.Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
21.04.2019 in a case for the offence registered under Sections
341, 323, 324, 307 and 504/34 of the IPC.

The prosecution story, in brief, is that on 14.04.2017,
the informant had taken his Victa vehicle with Registration No.
JH 49G 5500 to Village-Basant in Garkha Police Station. As per
agreement, the passenger was to give RS. 2500/-, but he paid
only Rs. 2000/- and he said that the rest amount will be given to
him at his home on day after tomorrow, but the amount was not
given that day, then, on 27.04.2017 at about 7.00 P.M. the
informant reached at the house of Dharam Mahto (petitioner)
and asked for his remaining amount. Thereafter, an altercation
took place and in the meanwhile Dharma Mahto fired with a



pistol, but, somehow the informant was not hit in the firing marginally. Thereafter, Dharam Mahto and others committed Mar-pit with the informant. Consequently, he sustained injury on his head and fell on the ground.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is alleged to have fired upon the informant but no injury is said to have been caused. No offence under Section 307 of the IPC is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra, in connection with Marhowrah P.S. Case No. 177 of 2017.

(Sudhir Singh, J)

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