

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48803 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- JAMUI District- Jamui

Satish Mahtoo @ Satish Mahaton, aged about 23 years, Male, Son of Vishun Mahto @ Vishundev Mahto, Resident of Village Kakan, P.S. Jamui, District Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Jee

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-11-2019 Heard both sides.

The petitioner seeks bail in Jamui P.S. Case No.51 of 2019, registered under Sections 147, 148, 149, 302, 120(B) and 504 of the Indian Penal Code and 27 of the Arms Act.

The informant, mother of the deceased, alleged that she along with her son Manikant Kumar, deceased, husband, Vinod Singh and Uma Shankar Singh were sitting at her door. In the meantime, 13 persons, namely, Subhash Mahto @ Birappan, Saudagar Mahto, Manish Mahto, Uday Rawat, Praveen Mahto, Satish Mahto, the petitioner, Niraj Mahto, Jodhi Mahto, Dipu Mahto, Jairam Mahto, Dularchand Mahto, Chhedi Rawat and Maheshwar Mahto having armed with pistol and lathi came there. Jodhi Mahto ordered to kidnap and kill her son, Manikant. On such, Dularchand Mahto and Subhash Mahto @ Birappan caught



her son. The informant and her husband requested them. Uday Rawat and Pravin Mahto pushed her husband and on the order of Jodhi Mahto, Pravin Mahto assaulted the informant with lathi. All the accused persons took her son and immediately thereafter Subhash Mahto fired at the chest of her husband. Saudagar Mahto made second firing and thereafter Dularchand Mahto fired on the armpit of her son. Her son died on the spot.

Learned counsel for the petitioner submits that the petitioner is of course named in the FIR but the petitioner is not alleged to have assaulted anybody. Three persons are alleged to have fired at the son of the informant. From the postmortem report, four firearm injuries are found on the body of the deceased. Jodhi Mahto is the order giver. Yodhi Mahto @ Jodhi Mahto and Jay Ram Mahto have already been granted regular bail by a Bench of this Court by order dated 10.05.2019, passed in Cr. Misc. No.31355 of 2019. Niraj Mahto has also been granted bail vide order dated 29.08.2019, passed in Cr. Misc. No.52850 of 2019. The case of the petitioner stands on better footing as the petitioner of course is named in the FIR but no allegation of assault to anybody is made against the petitioner. The assailant of the deceased is Subhash Mahto, Saudagar Mahto and Dularchand Mahto.

Taking into consideration the facts that the petitioner is



of course named in the FIR but the petitioner is not alleged to have assaulted the informant or even her husband, the assailant of the deceased, son of the informant, are Subhash Mahto, Saudagar Mahto and Dularchand Mahto who are alleged to have fired and the fact that the petitioner has got no criminal antecedent, 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 the learned C.J.M., Jamui in connection with Jamui P.S. Case No.51 of 2019.

(Prabhat Kumar Jha, J)

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