

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67962 of 2019

Arising Out of PS. Case No.-236 Year-2004 Thana- PATNA GRP CASE District- Patna

SHIV BALAK MAHTO, age 36, Male, Son of Late Sita Ram Mahto,
Resident of Village - Doma Karauta, P.S.- Bakhtiyarpur, (Salimpur), Dist.-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Madhav Krishna, Advocate.

For the Opposite Party : Mr.Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 395/34 of the IPC and 27 of the Arms
Act.

The prosecution story, in brief, is that on 23.06.2004
the informant was coming from Asansol by Toofan Express
Train. When the Train stopped to Gulzarbagh Railway Station at
about 21.45, he got down from the Train and started walking on
Railway Line for catching the Bus. As soon as, he reached to
Railway Signal at North of Shitala Maa Mandir, suddenly four
unknown criminals came near to him and assaulted him with the
Butt of the Revolver. One criminal fired bullet, which went



outside scratching right side of stomach. He shouted and ran to near the Railway Gumti. Criminals taken away his sports bag containing therein Rs. 3,000/- in cash, one Kurta and white Pajama. Thereafter, he was taken to N.M.C.H.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 25.02.2019. The petitioner has got no criminal antecedent. 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 not named in the F.I.R. It is a case of misuse of bail. The petitioner was granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 5424 of 2005 under order dated 11.02.2005 vide Annexure-1 to the supplementary affidavit. The petitioner had gone outside the State of Bihar for his livelihood. In absence of the petitioner, his proper pairvi could not be made by his Pairvikar. Due to lack of knowledge, the bail bond of the petitioner was cancelled. Learned counsel for the petitioner undertakes that the petitioner shall co-operate during the trial.

On behalf of the State, it is submitted that the petitioner is not 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 2nd Additional District and Sessions Judge, Patna, in connection with Sessions Trial No. 330 of 2019 (Supplementary Record of Sessions Trial No. 316 of 2018), arising out of G.R.P. (Patna) P.S. Case No. 236 of 2004.

(Sudhir Singh, J)

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