

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53752 of 2019

Arising Out of PS. Case No.-172 Year-2018 Thana- KHAIRA District- Saran

SUDARSHAN MAHTO, aged about 50 years, Male, Son of Pahlam Mahto,
Resident of Village-Khodaibagh, Police Station-Khaira, District-Saran at
Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Satya Prakash, Advocate.
For the State	:	Mr.Sanjay Kumar Sharma, A.P.P.
For the Informant	:	Mr. A.K.Bhaskar and Dr. R.K. Singh, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 302/34 of the IPC and 27 of the Arms
Act.

The prosecution story, in brief, is that on 07.07.2018
at about 10.30 P.M. all the F.I.R. named accused persons armed
with country made pistol and other weapons came at the door of
informant and on the instruction of co-accused Malti Devi, co-
accused Ashok Jaiswal fired on the chest of the husband of the
informant, thereafter, co-accused Badan Rai, Jharilal Rai, Kunal
Kumar Rai and Guddu Kumar Rai also fired shot on the body of
the husband of the informant due to which he died on spot. The



informant and others have seen the occurrence in the light of torch and hearing sound of firing, the neighbours came. The reason behind the occurrence is alleged to be the land dispute.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 23.05.2019. 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 allegation of assault is alleged against co-accused Ashok Jaiswal, Badan Rai, Jharilal Rai and Kunal Kumar Rai. The said accused persons are alleged to have fired upon the deceased. Three fire shot injuries are found upon the deceased as per the postmortem. There is no allegation of assault alleged against the petitioner. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 60356 of 2018 under order dated 06.10.2018.

On behalf of the State and the informant, it is 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 A.C.J.M.-



X, Saran at Chapra, in connection with Khaira P.S. Case No.
172 of 2018.

(Sudhir Singh, J)

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