

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5534 of 2019

Arising Out of PS. Case No.-10 Year-2005 Thana- NIMACHANDPURA District- Begusarai

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Ghoghal Mahto @ Ghoghan @ Ramadhar Mahto @ Baba @ Ghoghan @
Ghoghan Mahto @ Ramodhar Mahto, S/o Brahamdeo Mahto, Resident of
Village - Samsa, P.S.- Naokothi, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 29-03-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 302, 307/34 of the
Indian Penal code and section 27 of the Arms Act.

Informant has alleged in her fardbeyan that on
28.02.2005 she was proceeding toward Begusarai court and in
her way, Kailu Yadav met her and both sat on a bus and while
bus was moving towards its destination six FIR named accused
including petitioner stopped the bus and it is alleged that two
co-accused Ranjit Mahto and Fajalu Mahto entered into the



bus and there is specific allegation against Ranjit Mahto of firing upon Kailu Mahto, who died on the spot. Due to firing one lady passenger in the bus also died and one more lady passenger suffered injury.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. After investigation police had submitted chargesheet against four named accused. However, the investigation against petitioner was continued and after 13 years, chargesheet has been submitted against petitioner on the basis of same materials. Petitioner was arrested on 12.07.2018 and since then he is in custody. It has been submitted that petitioner has no criminal antecedent and he is also a disabled person.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Nimachandpura P.S. Case No. 10 of 2005, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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