

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3695 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- PARAIYA District- Gaya

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NAGO MAHTO @ NAGENDRA PRASAD @ NAGENDRA MAHTO Son
of Late Hari Mahto Resident of Village - Pranpur, P.S.- Paraiya, Distt - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lilawati Singh, Advocate.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-09-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302, 307, 504 and 506/34 of the Indian Penal Code.

According to F.I.R., the petitioner and others caught and co-accused Pramod Kumar fired at the deceased.

Learned counsel for the petitioner submits that the case diary would reveal that the dead body of the victim was found from the field side at 10:15 AM by the police. Till recovery of the dead body, there was no identification of the deceased. Later on, F.I.R. was lodged at 8 PM on the same date i.e. 29.06.2019 stating the fact that the petitioner and others had



caught the deceased and Pramod had caused fire arm injury. Some of the witnesses stated before the police that there was quarrel between two groups and Pramod brought a pistol from his house and started firing and caused fire arm injury.

Considering the aforesaid suspicious circumstances of the prosecution case for the purpose of consideration of this prayer for anticipatory bail, in my view, the petitioner deserves protection of law. Hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Paraiya P.S. Case No. 85 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.



(c) The petitioner shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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