

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6107 of 2020**

Arising Out of PS. Case No.-388 Year-2018 Thana- ARA NAGAR District- Bhojpur

VIKASH MAHTO Son of Bijendra Mahto Resident of Mohalla - Ibrahim
Nagar, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-06-2020 This application has been placed for

consideration by the order of the Hon'ble the Chief Justice

through virtual court proceeding.

Heard learned counsel for the petitioner and

Learned APP In Charge for the State.

The petitioner in the present is seeking regular bail

in connection with Ara Nagar P.S. Case No. 388 of 2018

registered for the offences punishable under Section 302,

120(B)/34 of the Indian Penal Code and Section 27 of Arms

Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. It is submitted that there is general and



omnibus allegation against FIR named accused persons including the petitioner. Post mortem report shows only two firearm injuries on the body of the deceased, however the informant alleged firing made by seven named persons.

Learned APP In Charge has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the First Information Report there are general and omnibus allegations against seven persons including the petitioner who are said to have come there at the place of occurrence and fired upon brother of the informant, however the injury report shows only two firearm injuries on the deceased and there is no specific allegation against the petitioner, the co-accused similarly situated has been granted regular bail by learned Coordinate Benches of this Court through various orders enclosed as Annexure '2' and '3' of this application, besides that petitioner has one case on his head in which he is on bail, petitioner is in custody since 11.10.2019, investigation against him is complete and it is not the submission of the



State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds o of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magsitrate, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 388 of 2018, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft he commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

