

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7135 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- BHADAUR District- Patna

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AJAY MAHTO @ AJAY KUMAR Son of Kashi Mahto Resident of Village-
Sildahi, P.S.- Bhadaur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Ashok Kumar Kashyap, Advocate
For the S t a t e	:	Mr Pramod Kumar Pandey, APP
For the I n f o r m a n t	:	Mr Abhishek Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **06-07-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, informant and the learned APP for the State.

Petitioner apprehends arrest in connection with Bhadaur Police Station (for brevity, PS) Case No 60 of 2019 instituted for the offence punishable under Section(s) 147, 148, 149, 307, 120B of Indian Penal Code and Section 27 of Arms



Act.

Allegation is that the informant's brother has been fired by co-accused Bholi Mahto. Petitioner is said to have fired in the air and he was at the place of occurrence with other named accused persons at 11 pm in the night where informant's brother was sleeping.

Petitioner's counsel submits that informant has lodged the case on hearsay. The petitioner has fair antecedent. Implication is on account of proximity with co-accused Bholi Mahto with whom the informant has a dispute and for which motive is to be found in the first information report itself.

The learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Barh, Patna in connection with Bhadaur PS Cased No 60 of 2019 subject to the



conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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