

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9702 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- PANCHRUKHI District- Siwan

Balister Mahto @ Boldar Chauhan @ Boldar @ Bailistar Mahato, Son of Late Sakaldeep Mahto, Resident of Village - Baishakhi, P.S.- Sarai O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ajay Kumar Pandey, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Anurag Saurabh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 14-10-2020 Heard learned counsel for the petitioner, the State and the informant.

In the present case, the petitioner is seeking bail in Pachrukhi (Sarai OP) P.S. Case No. 229 of 2019, registered for the offence punishable under Sections 302, 120 (B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation has been made that when the son of the informant was going to visit 'Mela' at Barka Gaon by motorcycle with two persons, namely, Jhamman Kushwaha and Aman Kumar Kushwaha and reached near Matuk Chapra Main Road, two persons, namely, Kali Charan Kushwaha and Ranjan Yadav came with Apache Motorcycle and fired gunshot, which



led to the death of the informant's son. It has further been alleged that this petitioner and husband of the Mukhiya, namely, Prabhunath Singh have hatched conspiracy for killing the informant's son. Prior to the occurrence, Kalicharan had given threatening to kill the deceased.

Counsel for the petitioner submits that the petitioner is not the assailant and merely on the basis of suspicion, he has been dragged in this case. He was not present at the place of occurrence. It is urged that the petitioner is in judicial custody since 05.11.2019.

Counsel for the State as well as the Informant submits that the different paragraphs of the case diary show that the petitioner was involved in trade of illegal liquor and further submitted that there is specific allegation of hatching a conspiracy for killing the deceased against the co-accused including the petitioner.

This Court has called for the Call Detail Report from where it does not show that one or two days before the date of occurrence or thereafter the present petitioner had any communication with the accused persons named in the FIR, who are alleged to have caused the bullet injury to the victim.

Considering the entire facts and circumstances of the



case, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Pachrukhi (Sarai OP) P.S. Case No. 229 of 2019 with a condition that whenever the police will call the petitioner for the purposes of investigation and interrogation, he will remain present for such purpose. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

This Court directs the court below to conclude the trial preferably within a period of one year from the date of restoration of normal court proceeding.

(Shivaji Pandey, J)

V.K.Pandey/-

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