

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13810 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- SONBERSA District- Sitamarhi

SHANKAR KUMAR @ SHANKAR MAHTO S/o Mahesh Mahto Resident
of Village- Bhuthi, P.S.- Sonbarsa, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sonbarsa
P.S. Case No.239 of 2019 registered under Sections 120B and
302/34 of the Indian Penal Code besides Section 27 of the Arms
Act.

The accusation is that Niranjana Kumar, the brother of
the informant Saurabh Kumar, being the worker of the Mukhiya
Manoj Kumar, on 31.10.2019, was present at Bhutahi Ward-4
for the purpose of filling the soil on the road. In the evening,
Shankar Mahto (petitioner) came there and started to abuse to
Niranjana Kumar, the brother of the informant, stop the work and
to damage the motorcycle of the Mukhiya Manoj Kumar.



Thereafter, Niranjana Kumar informed the Mukhiya Manoj Kumar through mobile about the incident. In the meantime, the petitioner took out the pistol from his waist and fired at Niranjana Kumar, causing injury on his shoulder. Niranjana Kumar for saving his life started to flee away towards Bus stand giving information regarding the incident through mobile to Mukhiya Manoj Kumar, where Pramod Kumar, the brother of the petitioner was present and on seeing Niranjana Kumar in fleeing condition, Pramod Kumar, the brother of the petitioner, on the instigation of his father, namely, Mahesh Mahto shot fire through his pistol at the forehead of Niranjana Kumar. While Niranjana Kumar, the brother of the informant, was being taken for treatment but he died in the way.

Learned counsel appearing on behalf of the petitioner submits that while there is specific allegation against the petitioner to shot fire at Niranjana Kumar, the brother of the informant, causing injury at his shoulder and, thereafter, Pramod Kumar, the brother of the petitioner, shot fire at the forehead of Niranjana Kumar but, in the post-mortem report of Niranjana Kumar, only one through and through injury was found on the head of Niranjana Kumar and there is no shoulder injury, which is said to be attributed to the petitioner. The petitioner is in



custody since 19.11.2019 and, on investigation, the police has already submitted the charge-sheet against the petitioner.

Having regard to the facts and the 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 the Additional Chief Judicial Magistrate-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No.239 of 2019.

(Rajendra Kumar Mishra, J)

P.S./-

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

