

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11191 of 2020**

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

Mahesh Mahto Son of Late Ramdeo Mahto Resident of Village - Bhuthi, P.S.-
Sonbarsa, District - 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 PRABHAT KUMAR SINGH
ORAL ORDER**

2. 18-06-2020 Heard learned counsel for the parties through video-conferencing.

The petitioner seeks bail in Sonbarsa P.S. Case No. 239 of 2019 registered for the offence under Sections 120(B), 302, 34 of the Indian Penal Code.

As per prosecution case, the brother of the informant was given fire-arm injury on his shoulder by Shankar Mahto and thereafter, when he was fleeing, he was given gun shot injury by brother of Shankar Mahto namely Pramod Mahto on his head, as a result of which, he died on the spot. So far as this petitioner is concerned, he is father of both aforesaid accused persons and he is said to be order giver.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case due to village politics. It



is further submitted that as per F.I.R., the deceased was given two gun shot injury on his shoulder and head respectively, whereas, from perusal of *post-mortem* report (Annexure - 2), it appears that only one gun shot injury has been found on the person of deceased. It is submitted that the allegation of firing is against both sons of petitioner and petitioner is said to be only order-giver. Save and except this, there is nothing against the petitioner and he has no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail application is allowed.

In the event of arrest or surrender within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate - IV, Sitamarhi in connection with Sonbarsa P.S. Case No. 239 of 2019, subject to condition, as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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