

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14903 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- BITHAN BAZAR District- Samastipur

NIRDOSH KUMAR @ NIRDOSH MAHTO Son of Ram Bilash Mahto
Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-06-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in **Bithan P.S. Case No. 46
of 2019**, registered for the offence punishable under Sections
307, 341 and 34 of the Indian Penal Code and section 27 of the
Arms Act.

It is alleged that while the informant and his elder
brother were going to home by motorcycle and when they
reached near old Kiln of Umesh Mukhiya, they saw two person
boarded on one motorcycle behind Tata Magic vehicle. The
accused persons started firing on them as a result of which they



sustained firearm injuries on leg, thereafter the informant and his brother started fleeing and reached at the house of Mukhiya. On seeing the villagers, accused persons fled away. The incident took place, as the brother of informant used to run CSP and they wanted to loot away cash from them.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case merely on suspicion. No incriminating article has been recovered from possession of this petitioner. In fact, the petitioner was arrested in another case bearing Alauli P.S. Case No. 134 of 2019, in that case he made his confession before the police. Petitioner is in custody since 19.12.2019.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Rosera, Samastipur** in connection with **Bithan P.S. Case No. 46 of 2019** subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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