

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 12439 of 2020

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

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BHOLI MAHTO Son of Ekarsi Mahto Resident of Village - Sildahi, P.S.
Bhadaur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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For the Petitioner/s	:	Mr Ashok Kumar Kashyap, Advocate
For the S t a t e	:	Mr Bal Mukund Prasad Sinha, 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

3 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 and the learned APP for the State.

The petitioner seeks bail in 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 shot at by the petitioner. Co-accused Ajay Mahto @ Ajay Kumar 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 narrated the case based on hearsay. He is not an eye witness. It is further submitted that the petitioner has fair antecedent and this is a case of false implication based on earlier dispute because the petitioner's she buffalo had entered the field and was grazing in the field of the prosecution party. It is submitted that the case has been instituted merely on suspicion. Petitioner is in custody since 30.11.2019.

Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is submitted that in so far as the gunshot injury is alleged, the informant as well as other witnesses, examined in the course of investigation, have all supported the same.

Considering the rival submissions, for the present, this Court is not inclined to grant bail to the petitioner. The same is rejected.

(Madhuresh Prasad, J)

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