

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17832 of 2020**

Arising Out of PS. Case No.-117 Year-2018 Thana- KURSAILA District- Katihar

=====

UPENDRA MAHTO S/o Late Mahendra Mahto Resident of Village- Gobrahi
Diyara, 04 No. Bind Toli, P.S.- Kursela, Distt- Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-06-2020 This application has been placed for consideration by

the order of Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and Mr. Arun
Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kursela P.S. Case No. 117 of 2018
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case and
there is no specific allegation of causing any overt act against
the petitioner. It is submitted that specific allegation of firing is



against co-accused Vijay Kumar Mahto. Co-accused Ram Swaroop Mahto and Pankaj Kumar Mahto have been admitted to anticipatory bail by learned Coordinate Bench of this Court in Cri. Misc. No. 83979 of 2019. The petitioner is in custody since 16.09.2019.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but admits that there is no allegation of firing against the petitioner and similarly situated co-accused persons have been granted bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there is no allegation of committing overt act against the petitioner and the specific allegation of firing on the deceased Dilip Mahto is against the co-accused Vijay Kumar Mahto as also that the similarly situated accused persons have been granted anticipatory bail in Cr. Misc. Case No. 83979 of 2019 (Annexure '2') by a learned Coordinate Bench of this Court, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned F.T.C. II, Katihar/Successor Court in connection with Kursela P.S. Case No. 117 of 2018, subject to the conditions as laid



down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

