

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27472 of 2020

Arising Out of PS. Case No.-139 Year-2019 Thana- MADHEPUR District- Madhubani

SHIV KUMAR MAHTO Son of Jagarnath Mahto Resident of Village-
Babujiban, Police Station- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

The petitioner seeks regular bail in connection with Madhepur P.S. Case No. 139 of 2019, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief, according to the informant is that on 09.09.2019 at about 3:30 PM., he had gone to Fatki Kutti Chowk where he saw his father sitting with one Manay Mandal at a shop whereafter the informant had gone to the



chowk and at about 5:00 PM., he saw that the petitioner along with other accused persons was coming on his motorcycle and after travelling for some distance, the informant heard the sound of gunshot firing, whereafter he ran towards the shop of Manay Mandal where he saw that his father had fallen down and the petitioner and the other co-accused persons were trying to flee away on their motorcycle. It is further alleged that while the said accused persons including the petitioner herein were trying to flee away, they had stumbled, whereafter the said accused persons had stopped their motorcycle and engaged in assaulting the persons present there. It is further alleged that thereafter, one Ram Bahadur Singh had slapped the petitioner on account of which he got agitated and took out a pistol from his waist and fired gunshots on the father of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he



is languishing in custody since 23.01.2020. The learned counsel for the petitioner has further submitted that though the allegation is regarding firing of gunshots on the head and chest, however, only one gunshot injury has been found, hence, a false story has been concocted in order to falsely implicate the petitioner herein.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and having gone through the materials available on record as also in the case diary, this Court finds that there are ample materials available on record to show the complicity of the petitioner in the alleged crime, apart from the fact that the petitioner is the main assailant and he has been stated to have fired gunshots on the deceased resulting in his death, which also stands corroborated from the materials available in the case diary and moreover, the petitioner is a veteran criminal inasmuch as he is an accused in three other criminal cases. Consequently, this



Court finds that the complicity of the petitioner is writ large on the records and prima facie, the occurrence in question has been found to be true as against the petitioner herein, apart from the fact that the petitioner has been alleged to have committed murder of the father of the informant, hence, considering the heinous nature of crime alleged to have been committed by the petitioner, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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