

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28435 of 2020

Arising Out of PS. Case No.-74 Year-2018 Thana- DANIYAWAN District- Patna

Karan Mahto aged about 36 years S/O Suresh Mahto Resident Of Chhoti
Pahari Jakaria Pur, P.S.- Agam Kuan, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tilak Sao, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-11-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 307/34 of the Indian Penal
Code, 27 of the Arms Act and section 37b of the Bihar
Prohibition and Excise Act.

Informant alleged that co-accused Sanjay Kumar @
Muntun along with his associate, in inebriated condition, came
to her house. Meanwhile, co-accused Sanjay Kumar opened fire
which did not hit anyone. However, villagers caught hold of him
while his associate fled away. During investigation, said Sanjay
Kumar took the name of the petitioner as his accomplice.

Learned counsel for the petitioner submits that the
petitioner has not been apprehended and save and except the



confessional statement of said co-accused, no other incriminating material has come against the petitioner during investigation. Petitioner is not named, though two others have been named in the FIR. Charge sheet has also been filed in the case. Similarly situated co-accused Sanjay Kumar and Baua Kewat have already been allowed bail by different co-ordinate benches of this Court vide orders dated 26.10.2018 and 18.1.2019, passed in Cr.Mis.No. 63251/2018 and 702/2019 respectively. Petitioner is in custody since 20.2.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Special Judge, Excise Act, Patna in Special Case No.5395/2018, Daniyawa Police Station Case No. 74 of 20178, on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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