

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24630 of 2020

Arising Out of PS. Case No.-73 Year-2016 Thana- KATRA District- Muzaffarpur

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Anil Mahto, S/o Lalan Mahto, R/o Village- Dargah, P.S.- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all 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 connection with Katra P.S. Case No.73 of 2016 registered for the offence punishable under Sections 447, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that four accused persons



have committed the murder of grandson of the informant.

It is submitted by the petitioner's counsel that the petitioner was earlier implicated in Complaint Case No.C 2073 of 2011 by the informant in which he has already been acquitted. Thereafter, again he was implicated in Complaint Case No.2041 of 2011, which is still pending. The informant on extraneous considerations has repeatedly been implicating the petitioner in criminal cases. In the instant case also, the name of the petitioner has been inserted after the assault has been committed by other persons. It is only alleged that the petitioner has exhorted all the accused to flee away from the place of occurrence. Under such circumstance, he is in custody since 07.12.2019. Co-accused Lalan Mahto, who had instigated Sonal Kumar to fire second shot, has been allowed bail in Cr.Misc. No.74191 of 2018, vide order dated 17.12.2018.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned 11th Additional Sessions Judge, Muzaffarpur, in connection with Katra P.S. Case No.73 of 2016 (Sessions Trial No.32 of 2020), subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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