

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25183 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- SONBERSA District- Saharsa

GANESH MAHTO, aged about 55 years (M), S/o Late Murli Mahto @ Late Murli Prasad Mahto, R/o Village- Maura, P.S.- Sonbarsa Raj, O.P. Kashnagar, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 08-12-2020 Heard learned counsel for the petitioner and learned APP for the State through Virtual Court Proceeding.

In this case, the petitioner is seeking regular bail in connection with Sonbarsa Raj (Kashnagar O.P.) P.S. Case No.29 of 2020, registered for the offence under Sections 147, 148, 149, 341, 302, 379 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

An F.I.R. has been lodged by the son of the deceased namely, Dhananjay Kumar, that his father made a call to him and told that he sustained fire arm injury, then immediately the informant and his family members reached there and saw that his father received fire arm injury and lying on the ground. Thereafter, he was taken to Sonbarsa Primary Health Centre from where he was referred to Saharsa Hospital then referred to Patna but, in the way, his condition was



deteriorating then, he was taken to S.K.M.C.H., Muzaffarpur where he declared dead. It has further been alleged that while coming to Patna his father stated that while he was returning home on motorcycle, Sadhu Saran Mahto, Genesh Mahto (petitioner), Neeraj Mahto and Dhuraj Mahto along with 2-3 unknown persons surrounded and fired upon him.

Learned counsel for the petitioner submits that apart from the statement of the informant no other witnesses have supported the case of the prosecution, which is evident from paragraph nos. 111 onward of the case diary.

Whereas, learned counsel for the informant and learned APP for the State submit that not only the informant but, the brother of the deceased and other witnesses supported the prosecution case, which is evident from paragraph no.87 onward of the case diary.

Looking to the entirety of the matter, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected for the present.

(Shivaji Pandey, J)

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