

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29752 of 2020**

Arising Out of PS. Case No.-84 Year-2016 Thana- SARAIYA District- Muzaffarpur

SONU MAHTO Son of Daroga Mahto Resident of Village - Kubauli, P.S.-  
Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-11-2020              Due to COVID-19 Pandemic, the matter is being taken  
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”  
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove  
the defect(s), as pointed out by the office, within a period of  
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner seeks bail in a case for the offence  
registered under Sections 302, 307, 341/34 of the Indian Penal  
Code and 27 of the Arms Act.

Prosecution case in short is that while at night, the  
informant, informant’s father and brother were returning home



from their shop, in the way, the accused persons attacked the informant's father and brother. Firing was also made. In the said firing, the informant's father sustained fire-arm injury and later on, in course of treatment, he succumbed to the injuries.

Earlier prayer for bail of the petitioner was rejected vide Annexure-1 to the present application by a coordinate bench of this court with an observation "*at this stage*". In the light of said observation, the present bail application has been filed.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is in custody since 30-11-2017. The petitioner has been falsely implicated in the present case. The petitioner is said to have been found fleeing away from the place of occurrence. Subsequently, in course of investigation, it has come that the co-accused namely Shambhu Mahto is alleged to have fired upon the deceased.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the observation made in the earlier rejection order as also the fact that there is no specific overt act is alleged



against the petitioner nor any injury is said to have been caused by the petitioner, 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 Additional Sessions Judge-XVIII, Muzaffarpur in connection with Sessions Trial No. 280 of 2018 arising out of Saraiya P.S. Case No. 84 of 2016 .

**(Sudhir Singh, J)**

A.K.V.//-

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