

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30857 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- BIBHUTIPUR District- Samastipur

ASHOK KUMAR MAHTO @ ASHOK MAHTO Son of Lachman Mahto
Resident of Village - Basauna, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-11-2020 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, 120(B)/4 of the Indian Penal Code.

Allegedly, four unknown persons came with four wheeler vehicle to the cattle shed of the informant and opened fire upon the father of the informant, as a result of which, father of the informant died.

It has been submitted on behalf of the petitioner that there is



no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 16-03-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. In course of investigation, the informant in his restatement before the police under Section 161 Cr.P.C. has raised suspicion against the petitioner. It has been submitted on behalf of the petitioner that due to previous enmity, at a belated stage, the name of the petitioner has been dragged in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 Chief Judicial Magistrate-Ist, Rosera, Samastipur in connection with Vibhutipur P.S. Case No. 23 of 2019.

(Sudhir Singh, J)

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