

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30166 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- ARA NAGAR District- Bhojpur

Gorakh Mahto, aged about 37 years, Male, S/o Kamta Mahto, Resident of
Village-Ibrahim Nagar, P.S.-Ara Town, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the State : Mrs. Meena Rani Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Ara Nagar P.S. Case No. 239 of 2019 registered for the offences punishable under Sections 302, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story in short is that on 22.05.2019, son of the informant Balram Singh at about 06:30 P.M. evening went Meerganj and on main road, he was talking with his friends then three persons on a motorcycle came there and stroke one cycle rider his sustain injury. Then persons there stopped the motorcycle and surrounded on three persons and they have demanded cost for treatment. Motorcycle rider given 700-800 Rs. for treatment but assembled persons demanded a more money. One persons have slapped the motorcycle rider



then all three persons went from there with threat to teach them. It is further alleged that after 15-20 minutes those three persons came on motorcycle and made 3-4 round firing. On said firing, son of the informant sustained injury on his chest and one other person Sujit Kumar also sustained injury. Nearby persons carried injured person to Sadar Hospital, Ara where son of the informant was declared dead.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the F.I.R. is against unknown person. He further submits that the F.I.R. was registered on 22.05.2019 at 10:15 P.M. on the police station. On the very next day morning 23.05.2019 at about 07:00 A.M., police recorded re-statement on the informant in which it has been mentioned that petitioner and other four persons were identified by local person and made accused in this case whereas in the F.I.R., it has been mentioned only three persons came there and made firing. However, police made accused five persons in this case. He further submits the co-accused Abhishek Yadav has been granted anticipatory bail by this Hon'ble Court vide order dated 03.12.2012 passed in Cr. Misc. No.76749 of 2019 and similarly situated co-accused Chhotu Singh Singh @ Chhotu Kumar @ Chhotu Mishra has



been granted bail by this Hon'ble Court vide order dated 17.08.2020 passed in Cr. Misc. No.8716 of 2020 and one co-accused Rahul Yadav has been granted bail by this Co-ordinate Bench of this Court vide order dated 21.10.2020 passed in Cr. Misc. No.20731 of 2020.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 239 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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