

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70942 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- KHODAWANDPUR District- Begusarai

SHIV KUMAR Son of Ram Charitar Mahton Resident of Village-
Khodawandpur, P.S-Khodawandpur, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Rajendra Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.C.
No.410 of 2019, arising out of Khodawandpur P.S. Case No.51
of 2019, registered under Sections 341, 307, 504 and 506/34
besides Section 27 of the Arms Act and, later on, added Section
302 of the Indian Penal Code, pending in the court of the
Sessions Judge, Begusarai.

The accusation is that at about 10.30 P.M.,
Mahendra Mahto, the husband of the informant Dropadi Devi,
reached near his house, after watching the T.V. programme. At
that time, Ram Sudin Mahto and Shiv Kumar (petitioner) came
on motorcycle near her husband and made indiscriminate firing



at her husband. In the occurrence, their father, namely, Ram Charitar Mahton, has also hand. The husband of the informant was rushed to PHC, Khodawandpur from where he was referred to Begusarai. Later on, the husband of the informant died in course of treatment.

Learned counsel appearing on behalf of the petitioner submits that while the informant has stated in the F.I.R. about making indiscriminate firing by the petitioner and his brother Ram Sudin Mahto but in her restatement, she has stated that on hearing the sound of firing, she came out of the house, then saw two persons moving from the place of the occurrence boarding on the motorcycle and her husband was rushed to the hospital, where her husband disclosed the name of his one assailant, namely, Ram Sudin Mahto. The petitioner has no criminal antecedent and is in custody since 07.06.2019.

On the other hand, learned Additional Public Prosecutor for the State opposed the prayer of the petitioner for grant of bail submitting that, in course of investigation, while all the witnesses have not claimed themselves to be the eye witnesses to the occurrence but they have stated that due to land dispute, the petitioner and his family members committed the alleged crime.



The allegation has been made against the petitioner and Ram Sudin Mahto, both sons of Ram Charitar Mahton, to make indiscriminate firing at Mahendra Mahto, the husband of the informant. In the post-mortem report, two firearm injuries were found on the person of Mahendra Mahto, the husband of the informant.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected for the present.

(Rajendra Kumar Mishra, J)

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