

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70715 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- BATHNAHA District- Sitamarhi

Shailendra Mahto @ Shailendra Kumar, S/o Late Ram Kripal Mahto, R/o
village- Matiyar Kala, P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Rita Verma

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

ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with
Bathnaha P.S. Case No. 236 of 2018, registered under Sections
307 and 120(B)/34 of the Indian Penal Code.

The accusation is that on 9.08.2018, informant,
Navin Kumar, who used to run the Marriage Hall, proceeded for
temple boarding on motorcycle with lady, Pratibha Devi (wife
of the petitioner) residing in the back of his house. At about 5
A.M., when he reached near Math then wife of the petitioner
indicated the temple then informant slowed the speed of
motorcycle then all of sudden, petitioner and one unknown
came there. Thereafter, Pratibha Devi, wife of the petitioner,



caught hold him then petitioner fired at him causing injury at his chest saying that why he has illicit relation with his wife. On raising alarm, both fled away. After giving information through mobile, police came there then he was rushed for treatment.

Learned counsel for the petitioner submits that it would appear from the FIR that while the occurrence is said to be taken at 5 A.M. in the morning of 09.08.2018 and the Fradebyan of the informant was recorded at 7.30 A.M. in Sadar Hospital, Sitamarhi but it would appear from the case diary that injury report of the petitioner is prepared at 5 A.M. on 09.08.2018 at Nandipath Memorial Hospital, Sitamarhi, which creates doubt about the genuineness of the injury of the informant. Further submission is that petitioner is in custody since 29.07.2019.

On the other hand, learned counsel for the informant submits that petitioner is accused in three other cases, as detailed in paragraph 3 of the petition, but out of three cases, petitioner has been convicted in Sahiyara P.S. Case No. 16 of 2010 for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and in the aforesaid case, petitioner was summoned, in course of trial, under Section 319 of the Cr.P.C.



Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 236 of 2018. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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