

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72627 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- SAHIYARA District- Sitamarhi

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Rakesh Mahato aged about 44 years (male) Son of Kapil Mahto @
Kapileshwar Mahto @ Kapal Mahto Resident of Village - Fulparasi, P.S.-
Sahiyara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Sahiyara P.S. Case No.
147 of 2018 registered for the offence under Sections 147, 148,
149, 302 and 120B of the I.P.C. and Section 27 of the Arms Act.

As per F.I.R., it is alleged that petitioner alongwith
other six FIR named accused indiscriminately fired at the son of
the informant, who was sitting on a chair outside his house, as a
result of which, he fell down and subsequently died.

It is submitted on behalf of petitioner that as per
F.I.R., it is alleged that indiscriminate firing was made on
informant's son, but in the *post-mortem* report, only one fire-
arm injury was found on the person of the deceased. It is further
submitted that there is no eye-witness to the occurrence. It is
also submitted that two similarly situated co-accused have
already been granted bail by this Court, vide order dated



21-01-2019 passed in Cr.Misc. No. 1974/2019 (Pappu Thakur) and order dated 07-02-2019 passed in Cr.Misc. No. 7054/2019 (Chandani Mahto). In this case, chargesheet has already been submitted and petitioner is in custody since 13-08-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged 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 Chief Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case No. 147 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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