

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78967 of 2019

Arising Out of PS. Case No.-662 Year-2018 Thana- HAJIPUR District- Vaishali

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Raju Mahto, male, aged about 34 years, Son of Late Dashai Mahto, Resident
of Mohalla - Mithan Nakhas, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 17-03-2020 Heard Mr. Anuj Kumar for the petitioner and Md.

Aslam Ansari for the State

The petitioner, who is in custody since
11.03.2019, seeks bail in connection with Hajipur Town
P.S. Case No. 662 of 2018, dated 21.09.2018, instituted
for the offences under Sections 147, 148, 149, 295A,
153(a) and 302 of the Indian Penal Code and Section 27
of the Arms Act.



From the perusal of the F.I.R., it appears that an occurrence had taken place during the *Muharram* procession in which one Mukesh Paswan is said to have fired at Md. Shahnawaj Qureshi, the son of the informant, as a result of which he was injured. So far as the petitioner is concerned, he is said to have fired from his weapon leading to injuries to one one Aarif Khan. During the course of treatment, aforesaid Shahnawaj Qureshi (the son of the informant) died.

Learned counsel for the petitioner has submitted that during the course of investigation, the informant, in his further statement, has disclosed the name of the accused person with the name of the petitioner as being son of one Fuleshwar Mahto. The petitioner, in fact, is the son of one late Dashai Mahto. Learned counsel, therefore, submits that the implication of the petitioner in the present case is on mistaken identity.

Apart from this, the learned counsel for the petitioner has drawn the attention of this Court to the statement of Aarif Khan who is said to have been injured



because of the firing resorted to by the petitioner, who has not stated anything specific about the petitioner.

It has further been submitted that despite charge-sheet having been submitted in this case long time back, even charges have not been framed.

Regard being had to the nature of accusation against the petitioner and his period of custody, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 662 of 2018, subject to the condition that one of the bailors of the petitioner shall be his close relative.

The petitioner shall be insisted upon by the Court below for an undertaking that he shall participate in the trial and shall not absent himself from the trial proceedings unnecessarily. Should the petitioner be found to be attempting to jump the trial proceedings, the Trial Court ought to proceed for cancellation of the bail granted



to him with urgent dispatch.

With the aforesaid observation/direction, the application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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