

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81119 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- BEERPUR District- Begusarai

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Ram Dular Mahto @ Sethu @ Sadho Mahto, son of Kalpu Mahto Resident of
Village - Pakri Mozafr, P.S.- Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 The matter has been taken up through

virtual Court proceeding.

Heard learned counsel for the petitioner
and learned counsel for the State.

The petitioner is languishing in jail since
02.04.2019 in a case registered for the offences
punishable under Sections 341, 326, 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written
report of Damini Kumari, submitted before the
S.H.O., Birpur Police Station is to the effect that on
13.03.2019 when the informant was going to
appear at intermediate examination by a motorcycle



with her father when on the way six persons travelling on two motorcycles stopped her father at gun point. The accused persons thereafter fired at her father which hit at the helmet of the father of the informant. Thereafter, the accused persons again fired on her father which hit at his chest. Thereafter the father of the informant somehow managed to take the informant at the examination centre from where he was taken to the hospital for treatment, leading to institution of the present case against six unknown persons. The name of the petitioner sprang up during investigation as one Birendra Kumar was the eye witness of the occurrence, who suggested the name of the petitioner, though he specifically stated that it was co-accused Ram Pukar Mahto who fired on the father of the informant. Similar statement has been made by witness Shankar Mahto in paragraph 45 of the case diary and co-accused Ajay Kumar



confessed that Ram Pukar Mahto fired at the father of the informant.

Learned counsel for the petitioner has submitted that the name of the petitioner has transpired during investigation and co-accused Ajay Kumar has been granted bail by a Co-ordinary bench of this Court vide order dated 01.08.2019 passed in Cr. Misc. No. 51733 of 2019.

Learned APP has submitted that name of the petitioner has sprang up during investigation.

Considering the fact that F.I.R was lodged against unknown, name of the petitioner sprang up during investigation and the co-accused who is alleged to have fired on the father of the informant has been granted bail by a Co-ordinate bench of this Court and the investigation has been concluded, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction



of learned Chief Judicial Magistrate, Begusarai in connection with Birpur P.S. Case No. 21 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Birpur P.S. Case No. 21 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty



to further extend the period of provisional bail if the
Court proceeding in physical mode will not resume
in next three months.

(Dinesh Kumar Singh, J)

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