

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16559 of 2021**

Arising Out of PS. Case No.-363 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Jitendra Mahto Son Of Hardev Mahto Resident Of Village- Dhanaiya, P.S.-
Sahebganj, District- Muzaffarpur- 843120.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 23-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 363 of 2019 instituted for the offences
under Section 394 of the Indian Penal Code read with Section
27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 22.08.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 02.08.2019 while he
was going to his in-law's place at 7.30 in the evening and when
he reached near Rajwara Halimpur Chowk, all of a sudden a



motorcycle on which three boys were sitting overtook his motorcycle and stopped the informant's motorcycle. Thereafter it is alleged that the accused persons had snatched his motorcycle on the point of pistol and also tried to snatch mobile and in the meantime one of the accused person fired from pistol which grazed the right hand and hit on the right side of the stomach, thereafter the accused persons snatched his mobile and fled away.

Learned counsel for the petitioner submits that the petitioner was identified by the villagers but till date the petitioner has not been put on test identification parade so that the informant could have identified whether this petitioner was the one who fired or not. He further submits that villagers out of animosity have implicated this petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 22.08.2020 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I,



West Muzaffarpur in connection with Sahebganj P.S. Case No. 363 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. with further condition that after commencement of trial if the petitioner does not attend trial on two consecutive dates, the court below shall cancel his bail bonds.

(Satyavrat Verma, J)

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