

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24314 of 2021**

Arising Out of PS. Case No.-30 Year-2020 Thana- BHELDI District- Saran

VIKASH MAHTO @ VISKY Son of Late Rampravesh Mahto Resident of
Village- Pachrukhi, P.S.- Bheldi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari
For the Opposite Party/s : Mr.APP.

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

5 07-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Bheldi P.S. Case no.
30 of 2020 registered for the offence punishable under sections
302, 392/34 of the Indian Penal Code read with section 27 of the
Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.05.2020 and charge sheet has
been submitted in this case. Learned counsel for the petitioner
further submits that from perusal of the allegation as alleged in
the FIR, it would manifest that the informant alleges that
Jhunnalal Yadav fired at his brother Ravindra Rai and one other
accused was also present there. It is next alleged that on account
of firing made by Jhunnalal Yadav brother of the informant died



on the spot. Learned counsel submits that petitioner is not named in the FIR and his name transpired during course of investigation and nothing has been recovered from his possession nor petitioner has been put on TI parade.

Learned APP submits that during course of investigation, this petitioner was apprehended in a different case where before police he made a confessional statement confessing that it was he who shot the brother of the informant. Learned APP further submits that even other witnesses in the case diary have supported that it was this petitioner who killed the brother of the informant.

Learned counsel for the petitioner submits that none of the witnesses are eye-witnesses to the occurrence, further brother of the informant has specifically alleged in the FIR that it was Jhunnalal Yadav who fired killing the brother of the informant. It is further alleged that a brother would not implicate any person falsely knowing that he had not killed his brother, learned counsel further submits that confession before the police is not admissible in evidence and it appears that police with a view to save Jhunnalal Yadav has sought confessional statement of this petitioner.

Considering the facts that petitioner is not named in



the FIR and the informant specifically alleged against Jhunnalal Yadav who fired killing the brother of the informant, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge XIII, Saran at Chapra in Sessions trial no. 180/2020 arising out of Bheldi P.S. Case no. 30 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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