

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26896 of 2021**

Arising Out of PS. Case No.-498 Year-2020 Thana- BRAHMPUR District- Buxar

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GOLU MAHATO @ GOLU MAHTO Son of Birendra Mahato Resident of
Village - Rahathua P.S. - Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-11-2021 Heard learned counsel for the petitioner and learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection Brahampur P.S.
Case no. 498 of 2020 registered for the offence punishable
under section 302/34 of the Indian Penal Code read with section
27 of the Arms Act.

Learned counsel for the petitioner at the outset submits
that three similarly situated co-accused have been granted bail
by this court, namely, Shailendra Mahto, Yogesh Mahto by order
dated 05.10.2021 in Cr. Misc. no. 27554/2021 and Rajesh
Mahato by order dated 01.10.2021 in Cr. Misc. no. 27394/2021.
Learned counsel for the petitioner submits that from perusal of
the allegation as alleged in the FIR, it would manifest that there
is allegation of firing but the informant does not disclose that by



whose firing the deceased was hit and that petitioner is in custody since 23.12.2020.

Learned counsel for the informant submits that it is not in dispute that co-accused have been granted bail but the ground on which co-accused have been granted bail does not exist. Learned counsel for the informant further submits that father of the informant died on 14.09.2020 and thereafter, this FIR came to be instituted on 17.09.2020 and the occurrence took place on 18.08.2020. Learned counsel for the informant validly explained the delay in lodging the FIR based on the allegation in the FIR and from the case diary.

Learned APP opposed the prayer for bail. At this stage, learned counsel for the petitioner seeks permission to withdraw the bail application with liberty to renew prayer for bail after framing of the charge.

Permission is accorded.

(Satyavrat Verma, J)

s.hassan/-

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