

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36822 of 2021

Arising Out of PS. Case No.-179 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

SHRAWAN MAHTO @ SHRAWAN KUMAR MAHTO, S/O LATE
SHIVJEE MAHTO R/O VILLAGE-SANRHA, SADHA, P.S-CHAPRA
MUFFASIL, DISTRICT-SARAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 29-09-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chapra Muffasil P.S. Case No. 179 of 2019, registered under
Section 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The accusation is that in the late evening of
14.05.2019, Pintu Kumar Mahto, brother of the informant,
Mintu Mahto, was accompanied by six persons named in the
F.I.R. including the petitioner, but, at some distance, all started
to abuse and causing assault to his brother, Pintu Kumar
Mahto. At that time, Kameshwar Mahto shot fire through
pistol causing injury at the left chest of his brother and
Shrawan Mahto (Petitioner) also fired through Katta causing



injury at the left thigh of his brother. Thereafter, on raising alarm, all fled away. The neighbourers present there informed to the father of the informant on mobile. The cause of occurrence is fishing of the fish from the pond.

Learned counsel appearing for the petitioner submits that, earlier, the prayer for bail of the petitioner was refused, on merit, vide Criminal Miscellaneous No. 10218 of 2020 on 03.03.2020 taking into consideration the allegation made in the F.I.R. that this petitioner also fired causing injury at the thigh of Pintu Kumar Mahto, brother of informant, but, informant Mintu Mahto @ Lal Babu Mahto has stated in his restatement that he was informed by his injured brother Pintu Kumar Mahto that firing was made by Kameshwar Mahto and Kamaldeo Mahto. The petitioner is in custody since 28.06.2019.

Sri A.M.P. Mehta, learned A.P.P. appearing on behalf State while opposed the prayer for bail of the petitioner submitting that the informant has alleged in the F.I.R. that this petitioner also shot fire, but conceded that in his restatement he has stated that he was informed by his injured brother that firing was made by Kameshwar Mahto and Kamaldeo Mahto.

Having regard to the facts and the circumstances of



the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran, Chapra in connection with Chapra Muffasil P.S. Case No. 179 of 2019.

(Rajendra Kumar Mishra, J)

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