

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42508 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- SONBERSA District- Saharsa

SADHU SARAN MAHTO S/o Late Ramsiya Mahto R/o village- Moura,
P.S.- Sonbarsa Raj (O.P. Kashnagar), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-12-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner is seeking regular bail in connection with
Sonbarsa Raj (Kashnagar O.P.) P.S. Case No.29 of 2020,
registered for the offence under Sections 147, 148, 149, 341,
302, 379 and 506 of the Indian Penal Code and under Section
27 of the Arms Act.

As per the F.I.R. informant's father made a call to him
and told that he sustained fire arm injury, thereafter the
informant and his family members reached there and saw that
his father received fire arm injury and lying on the ground.
Injured was taken to Sonbarsa Primary Health Centre from
where he was referred to Saharsa Hospital then referred to
Patna but, on the way, his condition was deteriorating then, he



was taken to S.K.M.C.H., Muzaffarpur where he was declared dead. It has further been alleged that while coming to Patna victim stated the informant that while he was returning home on motorcycle, Sadhu Saran Mahto (petitioner), Ganesh Mahto, Neeraj Mahto and Dhuraj Mahto along with 2-3 unknown persons surrounded and fired upon him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and police after investigation submitted final form against him. There is general and omnibus allegation of resorting to firing against all the accused persons and no specific overt act has been alleged against the petitioner. Petitioner has claimed clean antecedent and he is in custody since 13.3.2021.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that prayer for bail of co-accused Ganesh Mahto was rejected to which learned counsel for the petitioner submits that said Ganesh Mahto was chargesheeted whereas police submitted final form in respect of petitioner.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing



bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Sahara in Sonbarsa Raj Kashnagar OP Police Station Case No. 29 of 2020.

(Prabhat Kumar Singh, J)

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