

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33463 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- SAHPUR District- Patna

ROUSHAN MAHTO @ ROUSHAN RAI Son of Sunil Kumar R/o-
Dwarikapuri, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 26-03-2021 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioner seeks bail in connection with Shahpur P.S. Case No. 37 of 2020 dated 19.01.2020 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The brother of the deceased has lodged the FIR alleging that the petitioner had taken the deceased to the house of one Karan Raj @ Pintu for celebrating his birthday. Later, when the deceased did not come back home, an inquiry was made and it was learnt that the dead body of his brother is lying by the side of the road. The informant further received information that the friends of the deceased had fought with him at the



venue of the party and thereafter the deceased was chased and shot dead.

Learned counsel for the petitioner has submitted that the petitioner did not have any enmity with the deceased. In fact, as a friend he had accompanied the deceased to the house of Karan Raj @ Pintu whose birthday was being celebrated.

Assuming but not admitting the fact that there had been some dispute at the venue of the party and the deceased was chased, it cannot be conclusively said that petitioner participated in the occurrence as a marauder.

Certain paragraphs of the case diary have been shown to this Court by the learned counsel for the petitioner which indicate that while the deceased was being chased, one person by the name of Suraj @ Baba fired at him. In the scuffle, the petitioner is also said to have been injured. Such statement has been made by the other witnesses also during the course of investigation.

Mr. Verma, learned Senior Advocate for the petitioner therefore, contends that this points towards the active part taken by the petitioner in saving the deceased from being attacked by his friends. Apart from this, it has been submitted that those who had seen the occurrence or had heard about it had come to know that another person had shot the deceased.



If the petitioner had not made attempt to save the deceased, he would not have been injured in the occurrence. The accused person of this case whose birthday was being celebrated and during which celebrations, the occurrence took place, has been granted bail by a Bench of this Court.

Learned counsel for the petitioner has further submitted that the petitioner is in custody since 27.01.2020 and till date there has not been any substantial progress in the case before the court below.

Considering the entire set of facts, especially the period of custody and that there has been no substantial progress in the case before the court below, the petitioner is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Shahpur P.S. Case No. 37 of 2020.

The release of the petitioner shall be subject to the conditions noted hereinafter:

One of the bailors of the petitioner shall be his close relative.

The petitioner shall not absent himself from the trial proceedings on two consecutive occasions without seeking prior permission of the trial court. Should he do



so, the trial court will proceed for cancellation of his bail.

The petitioner shall not tamper with the evidence or shall intimidate any witness or shall do anything to impede the pace of trial. Should he be found doing so, it would be open for the Investigating Officer of this case to file a suitable application before the trial court for cancellation of his bail.

While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition.

The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station once every month, preferably on the first Monday. The officer-in-charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting the police station.

The petition stands disposed of with aforesaid directions/observations.

(Ashutosh Kumar, J)

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