

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33449 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Hitlar Singh Son of Baleshwar Singh @ Baleshwar Mahto resident of Village-Icharua, P.S.-Allauli, District-Khagaria.
 2. Diwakar Mahto @ Diwakar Singh Son of Basudeo Singh Resident of Village-Chakla, P.S.-Pasraha, District-Khagaria.
 3. Ram Chandra Mahto Son of Musahru Mahto resident of village-Malkua, P.S.-Bakhri, District-Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Opposite Party/s : A.P.P

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

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner Nos. 2 and 3, namely, Diwakar Mahto @ Diwakar Singh and Ram Chandra Mahto, respectively, as they have already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner Nos. 2 and 3, namely, Diwakar Mahto @ Diwakar Singh and Ram Chandra Mahto, respectively, is dismissed as withdrawn.



Heard learned counsel for the petitioner No.1
Hitlar Singh and the learned A.P.P. for the State.

The petitioner No.1 apprehends his arrest in
connection with Naokothi P.S. Case no. 14 of 2020, registered
under Sections 147, 148, 149, 302 and 120(B) of the Indian
Penal Code and Section 27 Arms Act.

The accusation is that in the early evening of
31.01.2020 informant Abhisekh Kumar @ Pintu Kumar along
with others moved for immersion of idol Sarashwati in Budhi
Gandak river. When the procession reached in front of village-
Samsha, in the meantime, 21 persons named in the F.I.R.
including the petitioner No.1 variously armed with weapons
came there and started to make firing due to which havoc
created in the procession. In the meantime, Leela Devi caught
hold Hema Maurya, maternal aunt of the informant, and at that
time Aruna Devi and Rinku Devi laid his maternal aunt Hema
Maurya on the ground, thereafter, on the order of Rinku Devi,
Ranjit Mahto and Bambam Mahto shot fire at the head of
Hema Maurya, maternal aunt of informant, Ranvir Mahto and
Jagdish Mahto @ Chhotu shot fire at the chest of his maternal
aunt, whereas Shukho Tanti and Pankaj Mahto also caused
injury at the belly of his maternal aunt due to which Hema
Maurya, maternal aunt of informant, died on the spot. At that



time, informant was escaped saying that he is Bhagina of the village.

Learned counsel for the petitioner No.1 Hitlar Singh submits that it would appear from the F.I.R. that the while petitioner No.1 Hitlar Singh is named in the F.I.R., but no specific overt act has been attributed against him. Further submission is that petitioner No.1 Hitlar Singh is not belongs from P.O village-Samsha, rather, he is relative of co-accused Leela Devi, due to which he has falsely been implicated in this case. The petitioner No.1 Hitlar Singh has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner No.1 **Hitlar Singh**, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Begusarai in connection with Naokothi P.S. Case No. 14 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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