

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34231 of 2020

Arising Out of PS. Case No.-158 Year-2018 Thana- MANIHARI District- Katihar

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FULO MAHTO S/o Rameshwar Mahto @ Rameshwar Mandal R/o village-
Bakharpur, P.S.- Pirpanti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Singh, Advocate.

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-01-2021 Let the defects be removed within four weeks.

Heard the parties.

The petitioner is languishing in custody for the
offence punishable under Sections 147, 148, 149, 323, 325 and
302 of the Indian Penal Code and Section 27 of the Arms Act.

According to F.I.R., 10 named persons including the
petitioner assaulted to the husband of the informant with butt of
their respective rifle and gun, as a result whereof husband of the
informant died during the course of treatment.

Learned counsel for the petitioner submits that the
post mortem report at Annexure-2 would reveal that the doctor
found penetrating wound, split wound and fracture of Humerus
as well as tibia bone. Injury nos. 1 and 2 were caused by bullet
gun and other injuries were caused by hard and blunt substance.



Submission is that if the informant would have actually seen the occurrence, he must have disclosed that firing was also made and fire arm injury was caused. Petitioner is in custody since 13.09.2019. Investigation of the case is already complete.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Manihari P.S. Case No. 158 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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