

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35501 of 2020

Arising Out of PS. Case No.-138 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

VIJAY MAHTO S/O- Tildhari Mahto Resident of Village - Araria, P.S.
Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh Sr. Advocate Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-02-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Runnisaidpur P.S. Case No. 138 of 2020, registered for the offence punishable under Sections 302, 307, 394 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 18.03.2020 at about 7.30 pm, while the informant's husband Anil Mahto and his friend Vinay Sah were going on motorcycle to Vinay Sah's house, on the way, three unknown miscreants came on Apache motorcycle and one of them tried to snatch the bag containing gold and silver from their possession. On protest, all the miscreants opened fire upon them, as a result husband of



informant sustained injuries and died.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. There is no eye witness of the occurrence. Name of this petitioner has come in this case on the basis of confessional statement of co-accused. No incriminating article has been recovered from his possession. Petitioner is in custody since 10.06.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner has criminal antecedent and about a dozen criminal cases is pending against him and in para 65 of the case diary it has come that Rs. 1,95,000/- has been recovered from possession of this petitioner.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

