

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33927 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

Shivam Mahto @ Shivan Mahto @ Shivna @ Shivan Son of Rambabu Mahto
Resident of Village-Maheshwara, P.S. Nowkothi, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 09-03-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Nowkothi P.S. Case No. 71 of 2020 registered for offence punishable under sections 302, 120B, 34 of the Indian Penal Code and section 27 of the Arms Act.

In the present case, aunt of the deceased has made an allegation that on 28.05.2020, the petitioner Shivam Mahto along with Sanjeev Sah, Rahul Kumar and Santosh Kumar came and started talking with his nephew Vijay Sahni (deceased), Thereafter, Vijay Sahni was carried by the present petitioner and Rahul Kumar. Santosh Kumar and Sanjeev Sah also proceeded behind them from there. Later on, it transpired that the victim



was killed by fire arm injury.

The Court called for the case diary.

The statement has been reiterated by the informant.

Learned counsel for the petitioner submits that in paragraphs 61 and 62 of the case diary, it has come that the parents of the deceased had been informed that his son Vijay Sahni was threatened by Santosh Rajak for termination of his life, but no allegation has been made by them against the present petitioner. In paragraph 6 of the case diary, it has come that Sanjeev Sah along with his associates were involved in killing the victim, but the witness has specifically stated that the victim had gone along with the present petitioner and Rahul Kumar. In support of the above submissions, learned counsel for the petitioner has placed reliance on the order passed in Cr. Misc. No. 34247 of 2020 in which the Court granted regular bail to Sanjeev Sah @ Sanjeev Kumar.

Learned counsel for the informant and the State submit that there is specific allegation made against the petitioner and Rahul Kumar that they had carried the victim and it is a case of last seen.

Learned counsel for the State has also supported the case of the prosecution.



Learned counsel for the petitioner has stated that there is nothing against the petitioner. Suspicion has been shown against Santosh Rajak, not against the present petitioner. It is a fact that the parents of the deceased were residing in Gauhati, not in their village where the victim was staying.

Looking to the entirety of the matter, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for grant of regular bail is rejected. However, the court below is directed to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

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