

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36641 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- SONBERSA District- Saharsa

1. PANKAJ MAHTO ALIAS PANKAJ MAHATO ALIAS PANKAJ KUMAR
son of JOGENDRA MAHTO ALIAS JOGENDRA MAHATO VILLAGE
BHASTI BIND TOLA P.S. SONBARSA DISTRICT SAHARSA
2. DEEPAK MAHTO ALIAS DEEPAK MAHATO ALIAS DEEPAK KUMAR
son of JOGENDRA MAHTO ALIAS JOGENDRA MAHATO VILLAGE
BHASTI BIND TOLA P.S. SONEBARSA DISTRICT SAHARSA
3. JOGENDRA MAHTO ALIAS JOGENDRA MAHATO son of LATE
SUKHDEO MAHTO VILLAGE BHASTI BIND TOLA P.S. SONEBARSA
DISTRICT SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-03-2021 Heard the learned Senior Counsel for the
petitioners and the learned APP for the State, Sri
Tapeshwar Sharma.

The petitioners seek regular bail in
connection with Sonbarsa Raj P.S. Case No. 79 of
2020, registered for the offence punishable under
Sections 147, 148, 149, 323, 307, 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused
persons including the petitioners herein having



fired gunshots on the informant and his brother and subsequently, on account of the injuries sustained by the brother of the informant, the brother of the informant had died.

The learned Senior Counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 24.05.2020. The learned Senior Counsel for the petitioners has further submitted that the postmortem report of the deceased would show that he has not sustained any firearm injury, hence, the allegation levelled against the petitioners is false. It is further submitted that a general and omnibus allegation has been levelled against the petitioners herein, hence, no offence, as alleged, is made out against the petitioners herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances



of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available in the case diary so as to connect the petitioners herein with the alleged crime and moreover, no firearm injury has been sustained either by the informant or by the deceased, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa in connection with Sonbarsa Raj P.S. Case No. 79 of 2020.

(Mohit Kumar Shah, J)

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