

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36945 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- BARAUNI District- Begusarai

Thuttha Mahton @ Amod Nishad, aged about 42 years, male, son of Shivan Mahton, resident of village - Simariya Ghat Bind Toli, P.S. Barauni (Chakiya), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the State : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Ram Sumiran Rai, learned counsel for the petitioner and Mr. Anil Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Barauni (Chakiya) PS Case No. 251 of 2019 dated 12.06.2019 (GR No. 2084 of 2019), instituted under Sections 307/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner and others is of firing on the informant and specifically against the petitioner is that the bullet fired by him hit the informant in the stomach.

4. Learned counsel for the petitioner submitted that the informant is also a veteran criminal and due to inter-gang rivalry, he has been shot but because there was past enmity with the



accused, which is admitted in the FIR, they have been falsely implicated. Learned counsel submitted that the mother of the informant who claims to be eye witness has stated that all three accused persons had fired but there is only one bullet injury found on the informant. It was submitted that the petitioner is in custody since 28.06.2020.

5. Learned APP submitted that the informant has specifically taken the name of the petitioner as the person who had fired resulting in bullet injury in his stomach which is corroborated in the medical report. It was further submitted that the petitioner also has criminal antecedent and is accused in another case under Sections 379 and 441 of the Indian Penal Code.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail, for the present.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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