

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39065 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

SHANKAR MAHTO @ SHANKAR KUMAR Son of Mahesh Mahto
Resident of Village- Bhuthi, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate
	:	Mr. Atul Kumar Jha, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Vikash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-03-2021 Heard Mr. N. K. Agarwal, learned senior counsel for the petitioner, Mr. Vikash Kumar Jha, learned counsel for the informant as well as Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Sonbarsa Police Station Case No. 21 of 2020 registered for the offences under Sections 120(B), 302, 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that it is a case of false implication of the petitioner. Petitioner was in jail and the allegation is that he had arranged the killing of the son of the informant through Sikandar Mukhiya. Learned senior counsel submits that the name of this petitioner has transpired in



the confessional statement of the co-accused Sikandar Mukhiya, there is no eye-witness to the present occurrence and there being no other material against the petitioner, he deserves privilege of regular bail. So far as the cases mentioned in paragraph '3' are concerned, it is submitted that in all the 4 cases against him, he is on bail.

Learned senior counsel has also placed before this Court a copy of the order dated 01.03.2021 passed by learned coordinate Bench of this Court in Cr. Misc. No. 34780 of 2020 and Cr. Misc. No. 37138 of 2020. The learned coordinate Bench of this Court has been pleased to enlarge the co-accused on bail after taking into consideration the submissions that they were implicated in the case on mere suspicion.

On the other hand, learned counsel for the informant submits that the co-accused Sikandar Mukhiya has confessed in paragraph '40' of the case diary that he had entered into a contract for killing of the son of the informant with co-accused Salendra Mahto who is a convict of the murder of the first son of the informant is inside the jail and this petitioner is also inside the same jail and in course of investigation it has been revealed in paragraph '57' of the case diary that the co-accused Sikandar Mukhiya was constantly talking to this petitioner on



his mobile and this has happened on the alleged date of occurrence i.e. on 28.01.2020 also.

Learned A.P.P. for the State has also pointed out from paragraph '40' and '57' of the case diary that the name of this petitioner has transpired in the confessional statement of the co-accused and further his confessional statement gets corroboration from the call details report which has been collected and is available in the case diary in paragraph '57'.

Learned A.P.P. submits that the case of the co-accused who have been granted privilege of bail are clearly distinguishable inasmuch as it was their submission that their names have not transpired in the confessional statement of Sikandar Mukhiya and further they were not found in contact with said Sikandar Mukhiya.

Having regard to the facts and circumstances of the case, wherein this Court had noticed that there are ample materials available in the case diary connecting this petitioner as the master mind of the alleged occurrence that too he has been found involved in talking with Sikandar Mukhiya from inside the jail and the call details report are indicating that they were in constant touch on the alleged date of occurrence, in killing having been arranged by the petitioner as shown in the case



diary from inside the jail, he has got criminal antecedent also, this Court is not inclined to grant privilege of regular bail to the petitioner. His prayer for bail is thus refused.

The application is dismissed.

Let the case diary be taken on the record.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

