

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2250 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Shambhu Mahto, S/O Banarasi Mahto, R/O Village- Samsa, P.S-Naw Kothi,
District-Begusarai
 2. Sikandar Mahto, S/O Banarshi Mahto, R/O Village-Samsa, P.S- Naw Kothi,
District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Binod Kumar Ambastha, Advocate
For the S t a t e	:	Mr.Murlidhar, APP
for the Informant	:	Mr.Pritish Kumar Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 19-07-2021 The matter has been listed today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the
learned APP for the State. Learned counsel for the informant has
also appeared.

The petitioners seek bail in connection with Now
Kothi P.S. Case No.73 of 2020 registered for the offence
punishable under Sections 302, 307, 120B, 34 of the Indian



Penal Code and Section 27 of the Arms Act.

There is an allegation that while the informant was sitting at his courtyard, several persons have come and tried to forcibly take away his father. In the process, it is alleged that co-accused Krishna Kumar @ Kishan has fired upon the informant's father and co-accused Satrugan Kumar @ Tuntun Singh has fired upon the informant's mother.

Petitioners' counsel submits that, in fact, there is a pre-existing civil litigation between the informant's father and the instant petitioners. As a result of that civil litigation, the petitioners have been falsely implicated in this case. The petitioners have no criminal antecedents and were contesting the dispute between the parties in a duly constituted civil proceedings in a *bona fide* manner. They are in custody on their surrender since 12.06.2020 on account of their false implication in this case. Independent witnesses have not named the petitioners, even though all the parties are of the same locality.

Learned counsel for the informant and the learned APP have opposed the prayer. They have stated that the petitioners are the named accused in the killing and in view of the civil dispute pending since before, the petitioners are not entitled to grant of bail.



Considering the rival submissions and the submission that bail has been granted to co-accused Shabnam Kumari, Ramesh Mahto @ Chhotu Mahto, Nibha Kumari, Pinki Devi, Sandeep Kumar, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rajeev Ranjan, Judicial Magistrate, 1st Class, Begusarai, in connection with Now Kothi P.S. Case No.73 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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