

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5886 of 2021

Arising Out of PS. Case No.-50 Year-2019 Thana- KHIRI MORE District- Patna

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Dharambeer Kumar @ Badal @ Dharambeer Mahto @ Badal Mahto, Son of
Surender Prasad @ Surendra Singh, Resident of Village Amain, P.S.- Paras
Bigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-07-2021 The matter has been taken up 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 petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Khiri
More P.S. Case No.50 of 2019 registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 307, 427,
504 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that while the informant was returning to



his home on his Scorpio vehicle, he has been accosted by the accused persons riding on the motorcycle. Co-accused Kaushal Mahto has opened fire, which hit the informant's left arm. After he fell down, other accused persons, namely, Chandan Maho, Lalu Mahto, Bhola Mahto and the instant petitioner have opened fire upon him.

The counsel for the petitioner submits that it is a case of false implication. Petitioner, in fact, was not present at the place of occurrence. He has been arrested later. Co-accused Kaushal Mahto has been granted bail in Cr.Misc. No.20361 of 2020. The instant petitioner is in custody since 13.03.2020 and the prosecution case of indiscriminate firing by four accused is not corroborated by the injury report issued by the private hospital which show only one firearm injury. Petitioner is accused in 11 more cases pending against him since before, but he is on bail in all the cases.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of Sri Manish Kumar, learned Judicial Magistrate-1st Class, Danapur, District-Patna, in connection with Khiri More P.S. Case No.50 of 2019, subject to the following conditions:

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's 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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