

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6953 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- ROSERA District- Samastipur

MANISH KUMAR MAHTO @ MANIA @ MANISH KUMAR SON OF
JOGENDRA MAHTO R/O VILL.- BATHA, WARD NO. 10, P.S.- ROSERA,
DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 17-04-2021 The defect (s) as pointed out by the Office be removed by the learned counsel for the petitioner within two months after High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 458, 323, 307, 387, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and co-accused Shambhu Sharma is to have fired upon the informant with intention to kill him. However, he managed to escape. Earlier, petitioner and co-accused Shambhu Sharma have threatened the informant to kill him. The cause of incident is that the informant



had asked co-accused Shambu Sharma to remove the bricks which was lying on the way.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that informant has enmity with co-accused Shambhu Sharma and on account of friendship with Shambhu Sharma, name of petitioner has been dragged in this case. It is further submitted that informant has not sustained any firearm injury and police party did not find any used cartridge at the place of occurrence. Petitioner is in custody since 15.10.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Rosera P.S. Case No. 248 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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