

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9360 of 2021

Arising Out of PS. Case No.-463 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Jine Lal Mahato @ Jinilal Mahato @ Jinelal Mahto @ Jenelal Mahto, Son of Raghbir Mahto, R/O Village- Dildarpur Diyara, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 and 4 of the Explosive Substance Act.

Prosecution case in brief is that on 13.09.2019 in the morning Rudal Mahto and Dhiraj Mahto came to the house of the informant with weapons and asked him to lift the case else he would be killed. Half an hour thereafter, the Chacheri Bhabhi



of the informant went to bring milk with whom Baishakhi Devi and her Bhabhi started committing mar-pit. Hearing hulla when the informant went out of his home then Jinelal Mahto and Dhiraj Mahto laying an ambush attacked him from country made Katta and the bullet fired by Jinelal Mahto injured the left ear and Dhiraj Mahto fired in the air. In the meanwhile, Puran Mahto, Rudal Mahto and Veero Mahto hurled bombs continuously to spread the crowd which landed on the wall of the Hanuman temple due to which the wall became black and got crocked. It is also alleged that all these criminals are making liquor and selling the same in the village and they also prepare bombs.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence, he has falsely been implicated in this case. He further submits that the allegation of firing against the petitioner but after the occurrence on the same day the police went to place of occurrence but no any empty cartridge has been recovered from the place of occurrence. The allegation of throwing bomb against the co-accused persons namely Rudal Mahto and Pawan Mahto. He further submits that earlier the cousin of the petitioner namely Birbal Mahto was brutally assaulted by the prosecution party for



which he has lodged an FIR on 10.09.2019 vide Nathnagar P.S. Case No.445/2019 is annexed at Annexure-2 of the bail application. The injury report shows simple in nature which is annexed at Annexure-3 of the bail application. The petitioner is languishing in judicial custody since 05.06.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nathnagar P.S. Case No. 463/2019 to the satisfaction of learned Court below where the case is pending.

(Anjani Kumar Sharan, J)

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