

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3267 of 2022**

Arising Out of PS. Case No.-14 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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JAGDISH MAHTO @ CHOTU MAHTO Son of- Awadh Mahto Resident of
Village - Samsa, P.S.- Nawkothi, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Man Bansh, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302 and 120
B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.04.2021, charge sheet has been
submitted and has antecedent of two cases.

Learned counsel for the petitioner submits that the
informant alleged that his mami, who was Mukhiya, during
immersion of Goddess Saraswati, was shot by Aruna Devi in her
mouth, Ranjeet and Bam Bam shot her on her head, Ranbir and
Chotu (petitioner) shot her on her chest and Sukho Tanti and
Pankaj shot her in her stomach, due to which she died at the



spot.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it appears that the entire allegation is false and fabricated. Learned counsel for the petitioner further submits that it absolutely does not stand to reason that how can the informant with such precision has imputed the allegations against all the accused persons that who shot on which part of the body of the deceased. Learned counsel further submits that if what has been alleged in the F.I.R. is true, then the normal reaction of a person would have to run away from the place of occurrence and not to wait and see that who fired on which part of the body of the deceased. Learned counsel further submits that it absolutely does not stand to reason that as to why the accused persons left the informant as a witness against them. It is submitted that in the F.I.R., the informant alleges that he was spared by the accused persons on the ground that he was maternal nephew of the village. Learned counsel for the petitioner, thus, submits that the reason assigned by the informant for sparing him by the accused persons and creating evidence against themselves appears to be absurd. Learned counsel for the petitioner further submits that from bare perusal of the impugned order, it would manifest that the



learned Court below has noted in detail the injury and no firearm injury was found on the stomach of the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submissions of learned counsel for the petitioner that the accused would not have spared the informant had he witnessed the occurrence and thus would have created evidence against themselves.

Considering the fact that the petitioner is in custody since 14.04.2021, chargesheet has been submitted in the case, the petitioner is a person with clean antecedent and taking into consideration the submissions made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sessions Trial No. 318 of 2020 arising out of Naw Kothi P.S. Case No. 14 of 2020.

(Satyavrat Verma, J)

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