

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5178 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Awadhesh Mahto S/O Dilip Mahto R/O- Village - Samsa, P.S. - Naokothi,
Dist. - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. A.P.P

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be removed
within a period of four weeks form today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that the informant is the
eye-witness of the case and he alleged that the co-accused
namely, Dilip Mahto gave a *dabia* blow on the left wrist of the
deceased (Baban Devi) due to which, she felt down thereafter,
Awadhesh Mahto (petitioner) fired on the chest of Baban Devi



(deceased) due to which, she died.

Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the informant has claimed to be the eye-witness of the alleged occurrence and has lodged the case after getting the inquest report only as the First Information Report has been instituted on 28.06.2021 at 22:45 O'clock, while the inquest report was prepared at 20:40 O'clock on 28.06.2021. Further, it is submitted that after going through the inquest report, wherein it is stated that there is a cut mark over the wrist of the left hand and accordingly, the informant has stated in the F.I.R regarding assault over the left wrist of the deceased by the father of the petitioner namely, Dilip Mahato by means of *dabiya*. After going through the postmortem report, it is evident that the deceased has sustained three fire-arm injury, out of which, injury no. 1 and injury no. 2 are communicating to each other, injury no. 4 and injury no. 5 are communicating to each other meaning thereby the deceased has sustained altogether 3 fire-arm injuries and another injury found over the left arm is lacerated wound after due verification of the postmortem report it is quite apparent that the informant who is claiming to be an eyewitness of the alleged occurrence is not at



all believable, as said informant is claiming only one gunshot by the petitioner over the deceased while during the course of postmortem the Doctors have found three fire arms injury and no sharp cut wound has been reported by the Doctors in the postmortem report over the wrist of the deceased. It is further submitted that no incriminating articles have been recovered from the possession of the petitioner. The petitioner is in custody since 13.07.2021 is a person with clean antecedent and charge-sheet has been submitted in the case

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned J.M. 1st, Begusarai in connection with Naokothi P.S. Case No. 88 of 2021.

(Khatim Reza, J)

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