

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11904 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- SONBERSA District- Sitamarhi

Lalbabu Mahto @ Lalbabu Prasad, Son Of Late Ramchandra Mahto R/O
Village- Sonbarsa, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the accused persons including the petitioner barged in the house of the informant and fired at her son Indal Kumar, who ran to save his life, but was caught and dragged outside the house and was shot. The son was declared dead at Sitamarhi Hospital.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that though the informant claims to be an eye



witness, but then the allegation appears to be general and omnibus in nature with respect to committing of any overt act by any of the accused persons as no specific overt act has been alleged against any of the accused persons, nor the F.I.R. discloses the motive for the occurrence. It is also submitted that no occurrence takes place without any motive and when the F.I.R. does not disclose any motive for the occurrence, then it creates doubt with regard to the veracity of the allegation. It is next submitted that during the course of investigation the informant took a U-turn and stated before the police that it was Brajesh Bharti, who fired at the deceased killing him for the reason that Brajesh Bharti was of the view that the staff of Indal Kumar had eloped with his sister.

The learned counsel next submits that the sister of Brajesh Bharti had not eloped with any one or else a case would have been instituted. It is thus submitted that it appears that the informant herself was not sure that as to why the occurrence took place or she would have disclosed the same at the first instance when the F.I.R. was instituted. The learned counsel lastly submits that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then it was Brajesh Bharti, who is alleged to have committed the occurrence and the petitioner being his father came to be implicated when he had absolutely no motive for committing the occurrence. It is next submitted that Brajesh Bharti also has been granted regular bail by this Court in Cr. Misc.



No.30353 of 2021 as recorded in the order impugned.. It is next submitted that since Brajesh Bharti has been granted regular bail, the case of the petitioner is on a much better footing.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sonbarsa P. S. Case No.36 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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