

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25225 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- SALAKHUA District- Saharsa

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SANJAY MAHTO, S/O BISHUN DEV MAHTO RESIDENT OF VILLAGE-
CHANAN, P.S.- SALKHUA (CHIRAIYA OP), DISTRICT- SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Salkhua P.S. Case No.159 of 2021 instituted under Sections
341 , 323, 302, 504, 506/34

As per the FIR, the informant has alleged the accused
persons barged into her house in the midnight and further
allegation is that on the order of Maksudan Mahto, accused
Anandi Mahto opened fire hitting the chest of her husband who
instantly died on the spot. Further allegation against this
petitioner is that he also opened fire which hit the hand of the
informant. On alarm, as the villagers assembled, the accused
persons left her place.



Learned counsel for the petitioner submits that specific allegation of opening fire and killing the husband of the informant is on Anandi Mahto. So far as this petitioner is concerned, learned counsel for the petitioner has drawn attention of this Court to para-9 of the bail application, which read as follows:

“9.That the informant was not reliable at all giving the fact that the informant has stated that she was also shoot by the accused persons in her hand but the informant didn't sustained any injury in her hand or any other part of body although the occurrence took place on 28.08.21 & the information to the police was given at about 18:45 PM Evening on 29.08.2021 after premeditation & just one pre-recorded written statement recorded by unknown person in his hand writing was served to police station seeking serious action against the accused persons.”

Learned counsel for the petitioner submits that taking into account the aforesaid fact that there is no injury on the hand of the informant, the petitioner deserves bail.

Taking into account the statement made by the counsel for the petitioner in para-9 of the bail application that contrary to the allegation made in the FIR that the petitioner opened fire hitting the hand of the informant, there is no injury



on her hand, as also the fact that he is in custody since 21.01.2022 (as stated in para-40 of the bail application), this Court is inclined to grant him privilege of bail. If however, it is found that the statement made in para-9 of the bail application was incorrect, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Salkhua P.S. Case No.159 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate-IV at Saharsa, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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