

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26225 of 2022

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

Pradeep Kumar Mahto @ Pradeep Mahto S/o Suresh Mahto Resident of
Village- Chanan, P.S.- Salkhua (Chiraiya O.P.), District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in judicial custody in connection
with Salkhua P.S. Case No. 159 of 2021 under sections 341,
323, 302, 302, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the FIR, the informant has alleged that 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 the place.

Taking into account the fact that the specific allegation is against Anandi Mahto that he opened fire which hit the chest of the informant's husband who died on the spot, there is omnibus allegation against the other accused persons including the petitioner herein who have been alleged to be part of the mob that they had barged into the informant's place armed variously with rifle and pistol, the petitioner is in custody since 29.8.2021 (as stated in para-40 of the bail application) as also the charge-sheet stands submitted and one of the similar placed co-accused Sanjay Mahto has since been granted bail by this Court in Cr. Misc. No. 25225 of 2022 on 10.8.2022, this Court is inclined to grant him the privilege of bail.

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

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

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

(iv) he 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)

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