

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26734 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- SALAKHUA District- Saharsa

1. SANOJ MAHTO SON OF BIRCHHU MAHTO@ BINCHU MAHTO R/O- VILLAGE- BHASTI BINTOLI (BINDTOLI) P.S.- SONBARSA RAJ (KASHNAGAR OP) DISTRICT- SAHARSA
2. BIRBAL SINGH@ BIRMAL SINGH SON OF LATE DHANIK SINGH R/O- VILL- KABIRA BINTOLI (BINDTOLI) P.S.- SALKHUA (CHIRAIYA OP) DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Salkhua P.S. Case no. 190 of 2021 instituted for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, while the father of the informant was sleeping in Courtyard of his house at midnight informant heard the sound of gun shot, rushed towards his father and saw that 6-7 accused persons including the petitioner, all armed with deadly weapons, are fleeing from the place of



occurrence. It is further alleged that his father received gun shot injury over his chest as a result of which he died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. There is no eyewitness of the occurrence and the ocular evidence produced by the interested witness is untrustworthy. Both the parties are in litigating term due to land dispute. After completing the investigation, final form has been submitted against the petitioners. Petitioners have not sent up for trial. There is no direct and specific material against them. They have got no criminal antecedents.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Salkhua P.S. Case no. 190 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM,-IV at Saharsa



subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

(Sunil Kumar Panwar, J)

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