

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27702 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- JAMUI District- Jamui

SAURABH MAHTO @ SAURABH KUMAR Son of Amit Mahto @ Amit
Kumar R/o vill.- Khairi, P.S.- Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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 Jamui P.S. Case No. 30 of 2022 for the offences under
Sections 147, 148, 323, 324, 326, 307, 153A, 386, 504, 506 and 34
of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that while he was going to offer ‘*namaz*’, the accused
persons armed variously surrounded him. The further allegation
is that they started firing from the top of the house. So far as this
petitioner is concerned, the informant has alleged that he opened
fire which did not hit him.



Learned counsel for the petitioner submits that there is counter version to this case also lodged by the aunt of the petitioner herein. He further submits that although there is allegation of firing but no injury has been attributed to anyone. He lastly submits that the petitioner is a meritorious student pursuing his study from Magadh University having no criminal antecedent and he is in jail since 29.01.2022 (as stated in paragraph -14 of the bail application).

Considering the aforesaid facts as also that there is no injury to anyone as a result of the alleged firing coupled with the fact he is in custody since 29.01.2022 and charge sheet stands submitted, 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 Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 30 of 2022, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) 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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