

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28390 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- AGIAON District- Bhojpur

RAKESH MAHTO @ ARJU VIRAT, S/o Vishnu Kant Singh, Resident of
Village- Ratnar, P.S.- Agiaon (Garhani) in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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

The case is registered under Sections 302/34 of the
IPC and 27 of the Arms Act in connection with Agiaon
(Garhani) P.S. Case No.5/2022.

As per the FIR, the informant heard sound of firing
while attending the call of the nature and ran towards the road
only to see his brother lying in pool of blood with gun shot
injury. He also saw three persons escaping from the place of
occurrence. Accordingly, police was informed and the FIR was
lodged. His brother subsequently succumbed to the injuries.

Learned counsel for the petitioner submits that he is



not named in the FIR and only on the ground that he had once threatened the deceased on the issue of cultural programme having been organized in the village, some of the witnesses have raised suspicion about his complicity in this case. He submits that the petitioner has already suffered by being in custody since 21.02.2022 (as stated in para-12 of the bail application) despite the fact that he has clean antecedent.

Considering the aforesaid facts as also that his name has come on the basis of suspicion and is in custody since 21.02.2022 having clean antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, 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 Agiaon (Garhani) P.S. Case No.5/2022 to the satisfaction of learned Additional Chief Judicial Magistrate,Ist, Bhojpur, Ara , 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 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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