

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42767 of 2021

Arising Out of PS. Case No.-798 Year-2020 Thana- BIHAR District- Nalanda

SHARWAN MAHTO @ SHARWAN KUMAR Son of Amiraka Mahto @
Amerika Pd. Resident of Village - Raja Kuan, P.S.- Biharsharif, District -
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bihar Police Station Case No. 798 of 2020, registered for the
offences punishable under Sections 147/148/149/324/307/504 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the petitioner, along with other co-accused
persons, arrived at the house of the informant and on the orders
of co-accused Jaddu Mahto, co-accused Ajay Mahto fired from
his rifle upon the father of the informant, due to which the father
of the informant sustained fire arm injury in his chest.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to village politics and he has not committed any offence in the manner alleged. He further submits that the specific allegation is against co-accused Jaddu Mahto and Ajay Mahto and no overt act has been alleged against the petitioner. He further submits that co-accused, Sarbind Mahto, has been granted anticipatory bail by co-ordinate Bench of this Court, vide order passed in Criminal Misc. No. 20386 of 2021. He further submits that the petitioner is in custody since 19.06.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that similarly situated co-accused has been granted anticipatory bail by this Court, no overt act has been alleged against the petitioner, charge sheet has already been submitted, and the petitioner is in custody since 19.06.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, at Biharsharif, in connection with Bihar Police Station Case No. 798 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

