

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35616 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- SONBERSA District- Saharsa

GANESH MAHTO Son of Late Murli Mahto @ Murli Prasad Mahto
Resident of Village - Maura, Police Station- Sonbarsa Raj O.P. Kashnagar,
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma, Advocate
For the State	:	Mr.Md. Ataur Rahman, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Sonbarsa Raj
(Kashnagar OP) P.S Case No. 29 of 2020 registered for the
offences punishable under Sections 302, 379, 506 and other
allied sections of the Indian Penal Code and section 27 of the
Arms Act.

As per allegation, the accused persons including the
petitioner surrounded the father of the informant while he was
coming home from motorcycle, assaulted him and fired at him
and fled away with his motorcycle and the informant
hospitalized his father where doctor declared him dead.



The main submissions advanced by learned counsel Shri Shiva Shankar Sharma appearing for the petitioner are that petitioner earlier preferred the Cr. Misc. No. 25183/2020 for the relief of regular bail which was rejected by this Court and thereafter some important changes have taken place in the petitioner's case, firstly, charge has been framed upon the petitioner and secondly only one prosecution witness has been examined till now, after rejection of earlier prayer and moreover, two sons of the petitioner who are named in the FIR and against them there is similar allegation like the petitioner have been granted bail by the learned court below and during course of investigation, no one claimed himself to be eye-witness of the alleged occurrence and merely on the basis of suspicion, petitioner was charge sheeted and he has been languishing in jail since 17.8.2020.

Sri Amarnath Jha, learned counsel for the informant and Sri Md. Ataur Rahman, learned APP appearing for the State have vehemently opposed the prayer for bail and submitted that there is serious allegation against the petitioner and during course of investigation, most of the witnesses supported the allegation made against the petitioner in the FIR.

Heard both sides and perused the FIR as well as



order of the learned court below. It appears that till now, one prosecution witness has been examined as per submission made by the prosecution which shows lingering attitude of the prosecution in producing witnesses and FIR goes to show that against the petitioner and co-accused there is similar type of allegation and two co-accused persons who are stated to be sons of this petitioner have been granted bail by the court below vide order dated 02.11.2020 passed in BP No. 612/2020.

Considering these facts and mainly, taking into account petitioner's custody period and also the fact that similarly situated co-accused persons have been granted bail by the court below, in the opinion of this court, a lenient approach can be taken in respect of the petitioner.

Accordingly, petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge IV, Saharsa in Sessions trial no. 130/2021 arising out of Sonbarsa Raj (Kashnagar OP) P.S Case No. 29 of 2020.

(Shailendra Singh, J)

s.hassan/-

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