

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46395 of 2021

Arising Out of PS. Case No.-249 Year-2019 Thana- DIGHWARA District- Saran

SARWAN MAHTO @ SHRAWAN MAHTO Son of Ganour Mahto Resident
of Village- Kasmar, P.S.- Sonpur, District- Saran, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-02-2022 Heard Mr. Binay Kant Mani Tripathi, learned
counsel for the petitioner and Mr. Choubey Jawahar, learned
Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Dighwara PS Case No. 249/2019 registered for the offence
punishable under Sections 147, 148, 149, and 302 of the IPC.

As per First Information Report, in the firing which
took place near Diyara, informant's husband died in the said
firing and on the said information, when the informant went to
the place of occurrence in search of her husband, she was told
that her husband has been killed by the accused persons named
in the FIR and the dead body has been thrown near Diyara. It is
further alleged that her husband has been killed by means of



Lathi, Danda, brick, spade etc.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused with altogether sixteen named accused persons and 10 to 15 unknown persons on the basis of information, allegedly, received by the informant from the villagers. He further submits that merely on the basis of suspicion and due to previous enmity, petitioner has been implicated in this case and similarly situated co-accused persons, who were named in the FIR, have already been granted bail by this Court in Cr. Misc. No. 35841 of 2021 and different Co-ordinate Benches of this Court in Cr. Misc. Nos. 87177/2019 and 543/2020 respectively.

Regards being had to the submissions made by the parties and taking into consideration the material on record, the fact that there is no specific allegation against the petitioner, similarly situated accused persons have been granted bail by this Court and Co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner above named, 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara PS Case No. 249/2019 subject to the conditions that (1) petitioner shall fully co-operate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner and (2) both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(Anil Kumar Sinha, J)

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