

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48617 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- JURAWANPUR District- Vaishali

Vijan Mahto Son of Late Dev Prasad Mahto Resident of Village - Raghapur,
West Bind Toli, P.s.- Jurawanpur, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Manoj Kumar Pandey, Advocate
For the State	:	Pushpa Sinha, APP
For the informant	:	Mr. Sachan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-04-2022 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

Petitioner and co-accused Subodh Mahto are alleged to have killed the son of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the informant is not the eye witness of the occurrence because in the FIR itself, narrating the incident, he has stated that on hearing gun fire sound he came out of his house and rushed towards the scene of occurrence and in the torch light saw the petitioner and co-accused Subodh Mahto running away with country made pistol in their hands. Learned



counsel submits that the occurrence took place in the night and the source of identification is the torch light which is not trustworthy. No other substantive evidence has been collected during course of investigation to suggest the implication of this petitioner in the present case. Petitioner is in custody since 28.1.2021.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that there is direct and specific allegation against the petitioner and his associate to kill the informant's son. Witnesses have also supported the prosecution case during investigation.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged 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 Chief Judicial Magistrate, Vaishali at Hajipur in Jurawanpur Police Station Case No. 5 of 2021.

(Prabhat Kumar Singh, J)

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