

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49228 of 2021**

Arising Out of PS. Case No.-25 Year-2019 Thana- PANDARAK District- Patna

SHRAVAN MAHTO @ SRABAN MAHTO S/o Shree Charan mahto @  
Sirchan Mahto @ Kirchan Mahto R/o village- Patasia, P.S.- Mohiuddin  
Nagar, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prem Ranjan Kumar, Adv.  
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      31-03-2022      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 341, 323, 504, 506, 363 and 34 of the Indian Penal Code.

As per the prosecution case, as a result of some dispute relating to cultivation etc., it is stated that there was an altercation between the parties and thereafter it is stated that on the informant and his father going on their agricultural land, Manoj Rai and the other accused persons started to abuse and assault the informant and his father. While the informant managed to escape, his father was caught by the five named accused persons including the petitioner herein and also five unknown accused persons. Thereafter his father was not to be



found. The informant suspects that his father has been killed.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The cause of false implication is evident from the FIR itself. Further the petitioner and informant happen to be relatives, the informant being the *phuphera bhagina* of the petitioner. Even in course of investigation the benefit of section 41 of Cr.P.C. was given to the accused persons, however, the petitioner was arrested and is in custody since 13.3.2021. Chargesheet has been submitted in the case under sections 365 and 366 of the Indian Penal Code.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is a direct allegation against him. Pursuant to the order passed in Cr.W.J.C. no.15994 of 2019 the investigation in the case was expedited and in course thereof the confession of coaccused Dharo Rai was recorded wherein he has described the details about the occurrence, the firing by Dharo Rai and Daya Nath Rai on the orders being given by the Manoj Rai and all the accused persons finally shooting the father of the informant



Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation, the general and omnibus allegation against the petitioner and the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Pandarak P.S. Case no. 25 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1<sup>st</sup>, Barh, District-Patna.

**(Partha Sarthy, J)**

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