

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53016 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAWADA District- Bhojpur

BHIM MAHTO @ SONU KUMAR S/o Pankaj Mahto @ Amarendra
Kushwaha R/o village- Jamira, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53544 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAWADA District- Bhojpur

SUDHIR MAHTO @ SUDHIR KUMAR SON OF LATE KAILASH
MAHTO Resident of Village - Jamira , P.s.- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54045 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAWADA District- Bhojpur

NAKUL MAHTO @ NAKUL KUMAR S/O LALAN MAHTO R/O
VILLAGE- JAMDIRA, P.S.- ARA MUFFASIL, DISTRICT-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53016 of 2021)

For the Petitioner/s : Mr.Aditya Narayan Singh-I, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 53544 of 2021)

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit

(In CRIMINAL MISCELLANEOUS No. 54045 of 2021)

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

For the informant : Mr. Anant Kumar Pandey, Adv.



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2022 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant is said to have been inflicted gun shot injury by the petitioners and others as a result of which he died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of firing or causing any fatal injury to the deceased is attributed to the petitioners (Bhim Mahto @ Sonu Kumar and Nakul Mahto @ Nakul Kumar) rather the specific allegation of firing upon the brother of the informant is attributed to the co-accused, Rajesh Mahto and Jitendra Mahto, who alleged to have fired upon the brother of the informant causing injury on his



chest resultantly he died during course of treatment. He further submits that so far as petitioner (Sudhir Mahto) is concerned, he is said to have fired upon the Satyajit Singh but no injury report of Satyajit Singh is available on record. He further submits that in absence of any injury with respect to the injured, Satyajit Singh, the petitioner, Sudhir Mahto may not be liable to be prosecuted in this case more particularly for the offence attracting Section 302 of the Indian Penal Code. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioners, Bhim Mahto @ Sonu Kumar is said to have been in custody since 15.07.2021 whereas other petitioners are said to have been in custody since 04.05.2021.

Learned A.P.P. for the State along with learned counsel for the informant vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Nawada P.S. Case No. 459 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

brajesh/-

(Rajesh Kumar Verma, J)

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