

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54514 of 2021

Arising Out of PS. Case No.-110 Year-2019 Thana- DANDARI District- Begusarai

CHHOTU KUMAR @ JAGDISH MAHTO @ CHHOTU MAHTO SON OF
ABADH MAHTO @ AVADH MAHTON @ AWADHESH MAHTO R/O
VILLAGE- SAMSA, P.S.- NAWKOTHI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2022 Heard Mr. Shashank Shekhar, learned counsel for
the petitioner and Mr. Dilip Kumar No. 1, learned counsel
appearing for the State.

At the very outset, learned counsel for the petitioner
fairly submits that the petitioner has got one criminal antecedent
in connection with Nowkothi Garhpura PS Case No.14/2020
registered under Sections 147, 148, 149, 302 and 120B IPC
while, inadvertently, it has not been stated in para-3 of the
instant petition.

The petitioner seeks regular bail in connection with
Dandari P.S. Case No. 110 of 2019 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code read
with Section 27 of the Arms Act.



As per the First Information Report lodged by the wife of deceased that on 11.10.2019 at about 11 P.M. husband of the informant received a call of Aruna Devi, who told her husband to come out from his house and accordingly, the husband of the informant (i.e. deceased) came out from his house and proceeded towards the Shiv Mandir. It has further been alleged that informant got suspicious and followed her husband. No sooner than she reached near Shiv Mandir, she saw that her husband was surrounded by Bambam Mahto, Ranjeet Mahto and other co-accused along with the petitioner holding weapons in their hands. The informant further alleged that in the meanwhile her cousin sister-in-law also arrived near the place of occurrence and they requested the accused persons to leave the deceased, but they were threatened. Thereafter, they returned back and in the morning, informant got the news that dead body of her husband was found, which was riddled with bullets near his chest and head.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive. Learned counsel submits that F.I.R. was registered after delay of about 13 hours inasmuch as per the F.I.R. the informant had allegedly seen her husband surrounded by the petitioner and



other accused persons holding fire arms in their hands, but she did not report the incident to the Police. Learned counsel referring to various paragraphs of the case diary, particularly paragraph nos. 31, 44, 45 and 49 submits that near the dead body of the deceased a mobile phone was found, which belongs to one Sangeeta Devi and was being used by her son-Laxman Kumar, who is a member of the gang of Bambam Mahto. Learned counsel further submits that Police after investigation has found that gangs of Ranjeet Mahto and Bambam Mahto were active in the area and they were having gang rivalry between them and used to attack the members of each other gang frequently. Learned counsel further submits that in the supervision note it has been recorded that the deceased-Tulsi Mahto was a member of the gang of Ranjeet Mahto and had gone to jail on various occasions. Learned counsel further submits that petitioner has got no criminal antecedent. He also submits that the present F.I.R. has been lodged in order to falsely implicate one Aruna Devi, who is a social activist. Further submission advanced on behalf of the petitioner is that similarly situated accused person, namely, Vinod Mahton @ Vinod Mahto @ Binod Mahto has been granted bail by this Court *vide* order dated 02.06.2020 in Cr. Misc. No. 7118/2020,



the petitioner is in custody since 22.06.2021 and the charge-sheet has already been submitted in the matter.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is named in the First Information Report.

Having regard to the submissions made by the parties and taking into consideration the material available on record, the fact that petitioner is in custody since 22.06.2021, charge-sheet has been submitted in the matter and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Begusarai in connection with Dandari P.S. Case No. 110 of 2019.

(Anil Kumar Sinha, J)

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