

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58016 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BHADAUR District- Patna

Janardan Mahto @ Jano Mahto S/O- Late Sukhlal Mahto @ Sukhari Mahto
Resident of Village- Jandi Nagar, P.S.- Bhadaur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

Petitioner seeks bail in a case registered in connection
with Bhadaur P.S.Case No. 48 of 2020 for the offences
punishable under Sections 147, 148, 149, 341, 342, 323, 307,
302, 120B, 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
05.05.2020 at about 7 am while the informant along with his
brother Lalan Kumar and Munna Prasad were going towards
local police station, all the accused persons including the
petitioner intercepted them and started assaulting . It is further



alleged that this petitioner having pistol in his hand, shot fire on Lalan Kuamr, who sustained firearm injury and fell down thereafter, when Nago Mahto tried to rescue them the petitioner again fired on him, who sustained firearm injury in his right leg and also fell down. Thereafter, it is alleged that co-accused persons assaulted the informant and his brother and wife.

It is submitted on behalf of the learned counsel for the petitioner that the name of petitioner has implicated in this case on account of previous enmity as there is case and counter case between both the parties. It is further submitted that there is a counter version instituted by the wife of the petitioner on the same day. It is also submitted that deceased and his family members were having criminal antecedent and famous for their notoriety. It is also submitted that in fact the deceased had done to death by some other persons and in some other circumstances but the entire family members and the petitioner being the head of the family has implicated in this case. Petitioner is in custody since 06.05.2020, and the charge sheet has also been submitted.

On the other hand, learned Additional Public Prosecutor for the State opposed the bail application of the



petitioner and submits that there is specific allegation against this petitioner that he fired upon Lalan Kumar, which resultant into his death and thereafter fired on Nago Mahto.

Having considered the contentions of the parties and taking into consideration the fact that petitioner is a main assailant and he fired upon the deceased Lalan Kumar as well as Nago Mahto due to which one of them died and the another received grievous injury and hence, this Court does not persuade to enlarge the petitioner on bail for the present and accordingly, his prayer for bail stands rejected.

However, the learned trial court has directed to expedite the trial of the petitioner.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

