

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67720 of 2021

Arising Out of PS. Case No.-50 Year-2019 Thana- KHIRI MORE District- Patna

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BHOLA MAHTO @ BHOLA SINGH Son of Sahja Mahto @ Sahjanand Singh Resident of village - Shankarpur, Imamganj, P.S.- Kinjar, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present bail application has been taken out of turn based on the mentioning made by the learned counsel for the petitioner that the daughter of the petitioner, Kumari Soni's marriage has been fixed for 26.05.2022 with Suraj Kumar.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 427 and 504 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.



The informant alleges that on 11.06.2019 his wife, being a Panchayat Mukhiya was returning from D.M. Office, Arwal, but on the way, five F.I.R. named accused persons, including the petitioner and three unknown persons came on a motorcycle and stopped the Scorpio vehicle of the informant and thereafter it is alleged that Kaushal Mahto resorted to fire causing injury on the left arm of the informant and the petitioner along with co-accused, Chandan Mahto, Lalu Mahto, Dharambeer Mahto fired hitting the informant on his hip, thereafter it is alleged that the accused persons fled away thinking that the informant is dead.

Learned counsel for the petitioner submits that co-accused Dharambeer Kumar @ Badal @ Dharambeer Mahto @ Badal Mahto has been granted bail vide order dated 22.07.2021 in Cr. Misc. No. 5886 of 2021 and co-accused Kaushal Mahto has been granted bail vide order dated 28.08.2020 in Cr. Misc. No. 20361 of 2020. It is further submitted that even presuming what has been alleged in the F.I.R. is true, without admitting, then the allegation of firing, hitting the hip of the informant is against four accused persons and as such there is no specific allegation against the petitioner rather the allegations are general and omnibus in nature. It is further submitted that there is only



one firearm injury as submitted by the private hospital and as has been recorded in the order dated 22.07.2021 in Cr. Misc. No. 5886 of 2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 13.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, the allegations are general and omnibus in nature and co-accused have been granted bail, let the petitioner above named be **released on provisional bail** 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 court below where the case is pending/successor court in connection with Khiri More P.S. Case No. 50 of 2019.

The learned court below will seek a report from the office of the Superintendent of Police, Arwal that as to whether the daughter of the petitioner is getting married on 26.05.2022 or not, in the event if the report records that the Court was misled for the purposes of bail, then the provisional bail granted to the petitioner shall be cancelled immediately and all coercive steps shall be taken to take the petitioner back behind the bars and in the event, if the report records that the ground on which



the bail has been granted i.e., marriage of the daughter of the petitioner is genuine, the provisional bail granted shall be forthwith confirmed.

(Satyavrat Verma, J)

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