

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59805 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Satyendra Mahato @ Satyendra Mahto @ Satyendra Kumar Mahto Son of
Virendra Mahto Residence of Mohalla - Hasanpur Mathiya, P.S.- Sidhwaliya,
Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 307,
504 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in brief, is that on
03.04.2021 while the informant was returning home after
attending invitation and in the course, thereof reached outside
the village, he heard some Hulla and when he looked back, saw
that a person is covering his face with a red towel, who was of
short and fat stature, who came to him and started firing



continuously after pointing a gun at him. When the informant shouted then the person fled away. Due to dark night, he could not recognize him. He got bullet injuries in the neck, in the stomach and in both the thighs of the leg. On the alarm of informant, his brother and co-villagers came and brought to Motihari for treatment where his treatment is going on.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner was not named in the F.I.R. and the name of the petitioner has transpired on the basis of confessional statement of co-accused namely, Shishu Thakur and except the confessional statement of co-accused namely, Shishu Thakur no cogent material has come during investigation against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending in connection with Sidhwaliya P.S. Case No. 117 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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