

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5349 of 2023

Arising Out of PS. Case No.-147 Year-1999 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAJU @ RAJU MAHTO Son of Nathuni Mahto R/o In the Lane Beside
Deepak Cinema, P.S.- Nagar Thana, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No.
427 of 2016 arising out of Muzaffarpur Nagar P.S. Case No. 147 of
1999 dated 11.05.1999 registered for the offence under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with his companions are alleged
to have assaulted the husband of the informant and one co-
accused Sanjay Thapa shot fire upon him causing chest injury due
to which he fell down and died finally during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation as alleged in the F.I.R. is false and fabricated and



the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the F.I.R. is in two parts; in the first part, there is general and omnibus allegation against the petitioner and the second part, there is specific allegation of firing attributed to the co-accused Sanjay Thapa who allegedly fired upon the husband of the informant causing him chest injury due which he died. He further submits that other accused persons has been acquitted from the lower court and the co-accused Sanjay Thapa has been granted bail. The postmortem suggest that the deceased had died due to shock and hemorrhage. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Muzaffarpur in connection with S.Tr. No. 427 of 2016 arising out of Muzaffarpur Nagar P.S. Case No. 147 of 1999 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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