

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5005 of 2023**

Arising Out of PS. Case No.-5 Year-2021 Thana- JURAWANPUR District- Vaishali

SUBODH MAHTO S/o Batoran Mahto R/o village- Raghapur West, P.S.-
Jurawanpur, Distt- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.01.2021 in connection with Jurawanpur P.S. Case No. 05 of
2021, F.I.R. dated 13.01.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of
Arms Act.

According to prosecution case, in brief, is that on
13.01.2021 at about 9 P.M. the informant was tiding his cow. In
the meantime, informant heard sound of gun fire to which he
rushed towards the South. There he saw in the torch light that
Subodh Mahto and Vijan Mahto armed with country made
Katta, were running away by saying that Subodh Mahto shot
Ranjit Mahto @ Kari Mahto by firearm. When the informant



raised alarm, the accused persons fled away using the benefit of darkness. Thereafter, informant went to his son Ranjit Mahto @ Kari Mahto and found a gun shot in the left side of the head of his son and blood was oozing out. Ranjit Mahto @ Kari Mahto died due to gun shot injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and no one seen the alleged occurrence. He further submits that as per allegation in the F.I.R. that on hearing gun fire sound he came out of his house and rushed towards the scene of occurrence and in the torch light saw the petitioner and co-accused Vijay Mahto running away with country made pistol in their hands except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused namely, Vijay Mahto has been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 19.04.2022 passed in Cr. Misc. 48617 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner



and the petitioner is in judicial custody since 20.01.2021.

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

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, 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 the learned A.C.J.M.-III, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No.05 of 2021, subject to 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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