

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13986 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- AGAMKUAN District- Patna

1. BINOD MAHTO SON OF LATE HARI NANDAN MAHTO, R/O CHHOTI PAHADI, RASIDACHAK, P.S.- AGAMKUAN, DISTT.- PATNA.
2. SANTOSH MAHTO @ SANMTOSH MAHTO SON OF LATE HARI NANDAN MAHTO, R/O CHHOTI PAHADI, RASIDACHAK, P.S.- AGAMKUAN, DISTT.- PATNA.
3. VILASH MAHTO @ RAMVILASH MAHTO SON OF LATE HARI NANDAN MAHTO, R/O CHHOTI PAHADI, RASIDACHAK, P.S.- AGAMKUAN, DISTT.- PATNA.
4. VICKY KUMAR @ KALLU SON OF LATE HARI NANDAN MAHTO, R/O CHHOTI PAHADI, RASIDACHAK, P.S.- AGAMKUAN, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 19-05-2023 By filing the hard copy of supplementary affidavit, the learned counsel for the petitioners has submitted that due to inadvertence, one criminal antecedent, which was of Excise Act and was only against the petitioner no. 3, was left to be mentioned in paragraph no. 3 of the bail petition, which has been rectified by way of supplementary affidavit. The learned counsel has also submitted that due to internet problem, E-digital copy of supplementary affidavit could not be uploaded and could not be received in the section.



Let the hard copy of the supplementary affidavit be kept on record.

Heard the learned counsel for the petitioners as well as the learned counsel for the informant.

The petitioners are seeking regular bail in connection with S.Tr. No. 1507 of 2022, arising out of Agamkuan P.S. Case No. 122 of 2022, registered for offence punishable under sections 302/120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

The FIR is in two parts. There is allegation in first part that nine accused persons, including the petitioners, were attempting to grab the land of the informant and they had stored sand on that piece of land. After intervention of the police, the work was stopped. The second part is that on 17.02.2022 at about 2:30 P.M., co-accused Raja, Jiwan @ Bajju, Sonu Kumar and Bhola Kumar instigated the other accused persons. They attacked the son of the informant and one Vikki Kumar, co-accused Raja, Jiwan @ Bajju, Sonu Kumar and Bhola Kumar fired shot at Rahul and having sustained injury he died in N.M.C.H.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. There is no allegation of firing against them, whereas the persons, who opened fire on the deceased, have specifically been named in the FIR as Raja, Jiwan @ Bajju, Sonu Kumar and Bhola Kumar. The allegation against the petitioners are general and omnibus and on the similar footing, co-accused Ranjeet Kumar and Sunita Devi have been granted bail by the coordinate Benches of this Court in Cr. Misc. Nos.47932 and 48442 of 2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that one criminal antecedent, which is against petitioner no. 3, has been concealed, but it was subsequently rectified by way of supplementary affidavit. He has also submitted that the deponent Saroj Devi had put her thumb impression on affidavit in criminal miscellaneous applications of Ranjit Kumar and Sunita Devi, but in the present case, she has put her signature, but Sunita Devi is not saying that she was not the same lady.

Considering the above-mentioned facts and circumstances and also considering that other co-accused on similar footing has been granted bail, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to



the satisfaction of learned 1st Additional Sessions Judge, Patna City in connection with S.Tr. No. 1507 of 2022, arising out of Agamkuan P.S. Case No. 122 of 2022, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioners shall file an affidavit to the effect that they shall not indulge themselves in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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