

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22952 of 2023

Arising Out of PS. Case No.-876 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

RAVINDRA MAHTO SON OF LATE GANESH MAHTO R/O MOHALLA-
JHOPARPATTI, LOHIYA NAGAR, P.S.- BEGUSARAI NAGAR,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that when he was sitting at his shop when he heard a sound of firing and accordingly he rushed towards the place of occurrence and saw that co-accused Kundan Sada was holding a pistol in his hand and the petitioner along with Kishore Sada were fleeing away from the place of occurrence, it is next alleged that Dilkhush, his staff sustained gun shot injury and he died on the way to the hospital.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the petitioner has a shop adjacent to the shop of the informant and they are having business rivalry, it is further submitted that it absolutely does not stand to reason that as to why the petitioner would have got Dilkhush killed when he had no animosity with him, it is further submitted that Dilkhush was an employee of the informant, as such, there was no dispute between the petitioner and Dilkhush, it is next submitted that the petitioner is not alleged to have been seen carrying gun, rather, he was seen fleeing from the place of occurrence, it is thus submitted that when such occurrence takes place, the normal reaction of a person is to flee. However, it is submitted that the petitioner will not abscond, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Begusarai Nagar P.S. Case No. 876 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not producing himself when called, the learned Trial Court would be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

HarshPandey/-

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