

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34024 of 2023

Arising Out of PS. Case No.-14 Year-2018 Thana- BAKHARI District- Begusarai

Swet Kumar @ Markanth @ Mahanth Shwet Dass @ Mahanth, Son of
Upendra Mahto, Resident of village - Ward no. 4, Mahto Pathak Tola, Rani
Sakarpura, Rani Shakarpura, P.S. - Gangour, Distt. - Khagaria. At present
resident of village - Deopura, P.S. - Naokothi, Distt. - Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Advocate
Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Session's
Trial No. 447 of 2022 arising out of Bakhari P.S. Case No. 14 of
2018 (G.R.No. 219 of 2018) registered for the offence under
Sections 302/34 and 120-B of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.02.2023.

The allegation against this petitioner is to commit
murder of the brother of informant along with other co-accused
persons by causing firearm injuries on way of his shop located
at Bella Chawk, Begusarai.



Learned counsel appearing on behalf of the petitioner submitted that initially the allegation of firing was raised against nine named co-accused persons but subsequently, the specific allegation was raised to cause fatal firearm injuries causing death of brother of informant against petitioner, co-accused Lalbabu Sahani @ Lalo Sahni, Sushil Singh and Vinay Shah, as per the version of informant, who is claimed to be the eye witness of the occurrence. It is submitted that on postmortem examination, only two firearm injuries were noticed, doubting the allegation as to cause firearm injuries by these four persons as per version of informant. It is submitted that the co-accused persons, namely, Vinay Shah and Shushil Singh, having specific allegation to fire upon chest of the deceased, have already been granted bail of learned co-ordinate Bench of this Court through Cr. Misc. No. 26553 of 2020 vide order dated 16.10.2022 and 21766 of 2022 vide order dated 27.04.2022 respectively. While concluding the argument, it has been pointed out that there is no progress in trial as even charges have not been framed till date in this matter and as such it is very apparent that same is not likely to be concluded in near future.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, and by taking note of nature of allegation as regard to firing and also the injury report, coupled with the fact that other similarly situated co-accused persons have already been granted bail by learned co-ordinate Bench of this Court, where petitioner is in custody since 17.02.2023, accordingly, the petitioner, above named, is directed to be released on bail in connection with Sessions Trial No. 447 of 2022 arising out of Bakhari P.S. Case No. 14 of 2018 (G.R. No. 219 of 2018) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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