

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37232 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Dev Narayan Mahton @ Debo Mahton Son of Late Paltu Mahton Resident of
village - Bishnupur, Saidpur, P.s. - Nawkothi, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
24.01.2023 in connection with Nawkothi P.S. Case No.21 of
2021, F.I.R. dated 16.02.2021 for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. According to prosecution case, the allegation
against the accused persons is that while the informant along
with father and his brother were sitting at their Kiran Sho,
situated at Deopura Chauk, all of a sudden, accused persons
boarded on motorcycles arrived there and made indiscriminate
firing due to which his father suffered multiple injures and died.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sunny Kumar. He further submits that except the confessional statement of co-accused persons 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, Ram Ashish Sahni has been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 40312 of 2021, another co-accused namely, Saurabh Kumar @ Saigal Pratap Singh has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 26.04.2023 passed in Cr Misc. No. 1613 of 2023, another co-accused namely, Nirmal Sah @ Nirmal Kumar Sah has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 07.07.2023 passed in Cr. Misc. No.38495 of 2023, another co-accused namely, Pintu Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 28.07.2023 passed in Cr. Misc. No. 45331 of 2023 and another



co-accused namely, Raushan Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 31.07.2023 passed in Cr. Misc. No.47021 of 2023. Kumar He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one, in which he is on bail in both the cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, 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 Miss Mohini Kumari, learned Judicial Magistrate, 1st Class, Begusarai in connection with S.Tr. No.499 of 2018, arising out of Nowkothi P.S. Case No. 21 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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