

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40489 of 2022

Arising Out of PS. Case No.-565 Year-2020 Thana- GARKHA District- Saran

=====

VIJAY MAHTO @ BIJAY KUMAR MAHTO, Son of Dularchand Mahto,
Resident of Village - Janki Nagar, P.s.- Garkha, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr.Ajay Kumar Sharma, Advocate
For the Informant	:	Mr.Brajesh Singh, Advocate
For the State	:	Ms.Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner, learned counsel
for the informant as well as learned APP for the State.

The petitioner seeks bail in connection with Garkha P.S.
Case No. 565 of 2020 registered for the offence punishable under
Sections 302, 307, 120(B) and 34 of the Indian Penal Code, Sections
25(1-B)a and 27 of the Arms Act and Sections 3 and 4 of the
Explosive Substance Act.

The prosecution case alleges that the informant's cousin
brother and her husband had been fired upon by some persons who
had come at her *Darwaza*. One Nitya Nand Singh who has
intervened was also fired upon. All these three persons have
succumbed to the injuries. The informant has lodged the FIR alleging
that the killing is based on some past dispute with one Shaukat Ali
and this petitioner.

It is submitted by learned counsel for the petitioner that



the petitioner's implication is based on suspicion. He has remained in custody since 24.11.2020 and the co-accused persons namely Shaukat Ali and Kasiran Bibi, facing identical charges as the petitioner as per prosecution case, have since been allowed bail in *Cr. Misc. No. 43022 of 2022* and *Cr. Misc. No. 30246 of 2022* respectively. The petitioner is also having clean antecedents.

Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is alleged that motive has been assigned to the petitioner by name in the FIR of orchestrating the killing. The counsels, however, are not in a position to dispute that bail has been granted to similarly situated co-accused persons namely Shaukat Ali and Kasiran Bibi.

Considering the rival submissions, nature of acquisitions, custody of the petitioner, as well as claim based on parity with co-accused persons namely Shaukat Ali and Kasiran Bibi, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate, 1st Class, Saran at Chapra, in connection with Garkha P. S. Case No. 565 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

