

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48139 of 2023

Arising Out of PS. Case No.-159 Year-2021 Thana- SALAKHUA District- Saharsa

Anandi Mahto S/O Maksudan Mahto R/O Village- Chanan P.S. Salkhua
(Chiraiya O.P) Dist. Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 12.04.2023, in connection with Salkhua P.S. Case No. 159 of 2021, F.I.R. dated 29.08.2021 registered for the offences punishable under Sections 341, 323, 302, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired upon the husband of the informant due to which he died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in



the present case. He further submits that from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner that they have entered into the house of the informant along with the arms and ammunition and in second part, there is specific allegation against the petitioner that he has fired upon the husband of the informant and he died on the spot. He further submits that due to previous dispute the petitioner has been falsely implicated in the present case and the petitioner has filed a case against the husband of the informant and his son and even the son of the informant is not supported the case of the prosecution.

5. Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that it appears from the F.I.R. that there is direct and specific allegation against the petitioner and the medical report (postmortem report) also supports the allegation as alleged in the F.I.R.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Salkhua P.S. Case No. 159 of 2021 pending in the Court of Additional Chief



Judicial Magistrate-IV, Saharsa.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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