

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50902 of 2022

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

Subodh Mahto @ Subodh Kumar Mahto Son Of Suresh 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. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Salkhua P.S. Case No.159 of 2021 instituted under Sections 341,323,302,504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the accused persons barged in the house of the informant and further allegation is that Anandi Mahto opened fire which hit the chest of the informant's husband causing his immediate death. So far as this petitioner is concerned, allegation is that he was part of the unlawful assembly and had further threatened that in case his name is taken, the same occurrence will be repeated.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation is against



Anandi Mahto and the petitioner has merely been made an accused and a role has been assigned as a counter blast to a case Salkhua P.S. Case No.63 of 2021 in which he is one of the witness and the informant's side are accused. The further submission is that he is ready to abide by all the terms and conditions, if granted relief.

Learned APP on the other hand submits that allegation against him is of threatening the informant's side, although the cause of death has been attributed to one Anandi Mahto.

Taking into account the fact that specific allegation is against Anandi Mahto of opening fire causing death to the informant's husband, the petitioner claims to be witness to a case in which informant's side are accused and his role has been that of be having threatened to the informant's side, this Court is inclined to grant him relief with following conditions:

(i) the petitioner shall be visiting the concerned police station for one year every month.

(ii) he shall co-operate in the investigation and made himself available to the police as and when required.

(iii) he shall appear in trial on every date.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Salkhua P.S. Case No.159 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IVth, Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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