

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51386 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- BASOPATTI District- Madhubani

RAJU MAHTO S/o Laxmi Kumar @ Lakshmeshwar Mahto R/o Basopatti,
P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-02-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Basopatti P.S. Case No. 70 of 2022 registered for the offences punishable under Sections 379, 307, 34 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, informant's son was invited by the petitioner for taking meal and on the said invitation the informant's son went to the petitioner's house and when he did not return for a long time the informant called his son then informant's son replied that co-accused Raushan Kumar shot him at the behest of co-accused Pavitra. It is further alleged that wrist watch and Rs.



5000/- of informant's son were snatched by other co-accused persons.

Learned counsel for the petitioner submits that from the perusal of FIR it appears that petitioner is not the assailant of the victim rather co-accused Raushan Kumar fired upon the victim. There is no specific allegation of firing against the petitioner rather the petitioner only invited the victim for taking meal at his house as friend and allegation is general and omnibus in nature. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner and no T.I.P. has been conducted uptill now. Learned counsel for the petitioner submits that petitioner is in custody since 18.04.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, there is no specific allegation of firing against the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Madhubani in connection with Basopatti P.S. Case No. 70 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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