

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52527 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- BARAUNI District- Begusarai

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VIJAY MAHTO @ BIJAY MAHTO SON OF MAHENDRA MAHTO R/O
VILLAGE- SIMARIA GHAT, BIND TOLI, P.S.- BARAUNI (CHAKIA
O.P.), DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr.Prem Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 15-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Barauni (Chakia O.P.) P.S. Case No. 180 of 2021,
registered for the offences punishable under Sections 397,
302/34 of the Indian Penal Code.

As per allegation, the informant, along with his family
members, went to take bath in holy river. In the meantime, two
unknown persons came there and started snatching chains from
family members. One of them fired shot at the son of the
informant. The injured was brought to the hospital, where the
doctor declared him dead.

The learned counsel for the petitioner has submitted



that petitioner is innocent and has falsely been implicated in this case. He was not arrested at the spot. Except the confessional statement of co-accused, there is nothing against him in the entire case diary. He has submitted further that co-accused Santosh Kumar @ Chuhawa was arrested in another case and in that case he rendered his confessional statement, in which he stated that he opened fire on the person of the deceased.

On other hand, Shri J.N. Thakur, the learned APP has submitted that in the present case the confessional statement of the petitioner was recorded and he has stated that in course of snatching chain from the family members, he opened fire at the deceased. In the confessional statement of Santosh Kumar @ Chuhawa also, the name of the petitioner has figured and it was mentioned that he was present with a country-made pistol in his hand.

Considering the above-mentioned facts and circumstances and also considering that nine cases are pending against the petitioner, I am not inclined to release the petitioner on bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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