

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53362 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- HALSI District- Lakhisarai

Ashok Mahto, S/o Radhe Mahto, R/o village- Deera, P.S.- Hilsa, District-
Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Halsi P.S. Case No.120 of 2022 registered for the offences
punishable under Sections 302 read with 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner named in the FIR and is in
custody since 30.07.2022.

Allegation against the petitioner is to commit
murder of husband of informant along with other co-accused
persons by causing firearm injuries, where occurrence is arises
out of long standing land dispute.

It is submitted by learned counsel that the
allegation of firing as per face of FIR is also available against



co-accused, namely, Radhe Mahto causing death of husband of informant. It is submitted that in the background of allegation as fatal firing was opened by both co-accused including this petitioner but, as single firearm injury was noticed during postmortem creating a doubt on version of informant being eye-witness of the occurrence. While travelling over the argument, it is submitted that co-accused Radhe Mahto facing similar allegation has already granted bail by learned co-ordinate Bench of this court vide order dated 14.02.2023 passed in Cr. Misc. No.52919 of 2022. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as similarly situated co-accused Radhe Mahto has already granted bail by this Court, therefore, considering the matter of parity as this petitioner is also facing similar allegation as per narration of FIR, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.07.2022, accordingly, the petitioner, above-named, is



directed to 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 the learned Additional Chief Judicial Magistrate-II, Lakhisarai in connection with Halsi P.S. Case No.120 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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