

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64282 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Dilip Mahto Son Of Late Ramanand Mahto Resident Of Village - Bakarchak,
P.S. - Surajgarha, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Pandey, Adv
For the Opposite Party/s	:	Mr.Pushpa Sinha.1, APP
For the Informant	:	Mr.Md. Irshad, Adv

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Surajgarha (Manikpur) P.S. Case no. 374 of 2022 registered under sections 307, 147, 148, 149, 341, 323, 325, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, six named accused persons, including the petitioner herein, as well as eight to ten unknown accused persons, are said to have come variously armed with hockey sticks, lathi, and iron rods. It is stated that the petitioner and one another took out their pistol and started to threaten the informant. Pramod Mahto is said to have assaulted with an iron rod, which was saved by the informant with his left



hand, as a result of which he sustained serious injuries. The petitioner and Sri Lal Mahto are said to have resorted to firing.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of land dispute between the parties for which title suit is also pending. There is no explanation for delay in lodging of the FIR. The allegation of assault is on Pramod Mahto. Although, an ornamental allegation has been levelled against the petitioner of wielding a pistol and of having resorted to firing along with one another, however, no person has sustained any gun shot injury. The petitioner is in custody since 24.04.2023 and charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation against him of having come armed with pistol and having resorted to assault leading to injuries on the informant's side.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR against the petitioner, the submissions made by the learned counsel for petitioner, the petitioner being in custody for 5 months since



24.04.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Surajgarha (Manikpur) P.S. Case no. 374 of 2022 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 C.J.M., Lakhisarai.

(Partha Sarthy, J)

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