

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61677 of 2022**

Arising Out of PS. Case No.-798 Year-2020 Thana- BIHAR District- Nalanda

DOMAN MAHTO @ DOMEN MAHTO @ SUNIL KUMAR Son of Shri
Vinay Mahto Resident of Village- Rajakuan, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rabi Bhushan Prasad No 1, Advocate
For the Opposite Party/s : Mr Ramchandra Sahni, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Bihar Police Station (for brevity, **PS**) Case No 798 of 2020 dated 09.12.2020 registered for the offence punishable under Sections 147, 148, 149, 324, 307, 504, 506 of Indian Penal Code and Section 27 of Arms Act.

Informant's father is said to be sitting at his home when the accused persons, including the petitioner have arrived, variously armed. On instigation of co-accused Jaddu Mahto, co-accused Ajay Mahto has fired upon the chest of informant's father. Thereafter, it is alleged that when the informant rushed out of the house, petitioner and others have also fired.

Learned counsel for the petitioner submits that the only firearm injury upon victim Yogendra Yadav is attributed to co-accused Ajay Mahto. Even, as per prosecution case, informant has not sustained any firearm injury. In fact, there is a dispute on an agreement forged by the informant containing the alleged signature of petitioner's father in respect of which the petitioner's side has also



lodged Bihar PS Case No 808 of 2020 against the victim of the present case. The petitioner, having no antecedent, has been implicated in this case on extraneous consideration arising out of the dispute regarding the alleged agreement to sell. He is in custody since 06.05.2022. Co-accused Sarbind Mahto @ Sarbind Kumar was allowed anticipatory bail by this Court by order dated 21.12.2021 passed in Cr Misc No 20386 of 2021. Co-accused Sharwan Mahto @ Sharwan Kumar has also been granted bail by this Court by order dated 01.02.2022 passed in Cr Misc No 42767 of 2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody, clean antecedent, claim based on parity as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nalanda at Bihar Sharif in Bihar PS Case No 798 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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