

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73723 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- BARARI District- Katihar

NATHUNI MAHTO SON OF LATE PRASADI MAHTO RESIDENT OF
VILLAGE- GURUMELA, PS- BARARI, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-11-2023 Learned counsel for the petitioner has filed supplementary affidavit across the Board. Let it be kept on record.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Barari P.S. Case No. 115 of 2023 registered for the offences punishable under Sections 341, 323, 379, 384, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act but later on, Section 386 of the I.P.C. was also added.

4. As per prosecution case, petitioner and other are said to have fired from the pistol. Further, co-accused Sonu Mahto demanded money from the informant on the point of pistol. It is further alleged that petitioner and co-accused



Santosh Mahto slapped Manoj Choudhary and also snatched Rs. 25,500/- from his pocket. It is further alleged that ransom has to be paid to the accused persons, if watermelon is loaded on the vehicle.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the case. Petitioner is in custody since 09.07.2023 and bears no criminal antecedent. Learned counsel submits through supplementary affidavit that police did not find any misfire cartridge or any other material which shows that firing has been made on the place of occurrence and thus, the allegation of firing is completely ornamental in nature. There is general allegation against the petitioner and co-accused Santosh Kumar Mahto @ Santosh Mahto that they slapped Manoj Choudhary and also snatched Rs. 25,500/- from his pocket. He further submits that on similar and identical allegation, co-accused Santosh Kumar Mahto @ Santosh Mahto, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 47500 of 2023 and on the principle of parity, petitioner also deserves bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence.

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

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused on similar and identical allegation has already been granted bail, 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 Additional Chief Judicial Magistrate-III, Katihar in connection with Barari P.S. Case No. 115 of 2023, 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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