

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.323 of 2023

Arising Out of PS. Case No.-232 Year-2021 Thana- BIHARIGANJ District- Madhepura

SIKANDAR MAHTO @ SIKENDRA MAHTO S/o Budhan Mahto R/o
Village- Gangaura Ward No 02, P.S.- Bihariganj, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 307/34 of the Indian
Penal Code and later on section 302 IPC was added.

As per allegation in the FIR, the husband of the
informant proceeded from his house by his motorcycle. He
called his brother Dharmendra Kumar and apprised him that
four unknown persons who came on motorcycle, made him
injured by firing shot. The miscreants fled towards Bihariganj.
His family members took him to hospital and during treatment,
he died.

It is submitted by learned counsel for the petitioner
that petitioner ahs been falsely implicated in this case. FIR is
against unknown. No one has seen the occurrence. In para 30 of



the case diary, witness Upendra Mahto has taken the name of the petitioner on the basis of suspicion. Save and except suspicion, nothing has come during investigation, to show the complicity of the petitioner in the alleged occurrence. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 19.5.2023 passed in Cr. Misc. No. 3867 of 2023. Petitioner has got no criminal antecedent and languishing in judicial custody since 15.10.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned SDJM, Udakishunganj in connection with Bihariganj P.S. Case No. 232 of 2021.

(Sunil Kumar Panwar, J)

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