

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4919 of 2024

Arising Out of PS. Case No.-587 Year-2018 Thana- NAWADA District- Nawada

Gabbar Mahto @ Shiv Shankar Kumar @ Shiv Shankar Kumar Prasad Son of
Late Ragho Mahto @ Radho Mahto R/o vill - Manva, P.S. - Hisua, Distt. -
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Suraj Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 07-02-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Nawada Town P.S Case
no.587 of 2018 registered under sections 307 and 34 of the
Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states
that while he was going to purchase soap to the market, three
persons on three motorcycles came there and opened fire which
hit the informant in his leg. The informant states that he
identified the petitioner herein and one Mannu Kumar.
4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. Even as per
the allegations in the FIR, the allegations are general and



omnibus in nature and not specific inspite of the informant naming the petitioner and one another accused. There is an unexplained delay of 12 hours in lodging of the FIR. The petitioner is in custody since 4.11.2023 and charge-sheet has been submitted in the case. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State.

6. Learned counsel for the informant submits that it was Mannu Kumar and not the petitioner who fired on the informant.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, the petitioner having absconded in a case of the year 2018 and having been taken into custody only on 4.11.2023, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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