

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10164 of 2024

Arising Out of PS. Case No.-134 Year-2019 Thana- SONBERSA District- Sitamarhi

Jitendra Mahto, Male, aged about 28 years, Son Of Late Ram Ekwil Mahto
R/O-Sonbarsa, P.S.-Sonbarsa, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 26-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 134 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per prosecution case, the petitioner along with co-accused Sushil Mahto indiscriminately fired at the deceased resulting in his death.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that the petitioner is a businessman and he has no concern with the alleged occurrence



and petitioner is dragged in this case due to dirty village politics. Petitioner has got clean antecedent as stated in para-3 of the petition and petitioner is in custody since 21.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the FIR and impugned order, it appears that the investigating officer found this case not true against this this petitioner and other co-accused but the learned Magistrate deferred the opinion of the investigating officer and taking cognizance for an offence under Sections 302/34 of the IPC and Section 27 of the Arms Act and one named co-accused Sushil Mahto has also been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 76306 of 2019 vide order dated 05.03.2020, considering all these circumstances, I am inclined to grant bail to the petitioner. Accordingly, let the above named petitioner be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Sitamarhi in connection with Sonbarsa P.S. Case No. 134 of 2019.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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