

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15700 of 2024**

Arising Out of PS. Case No.-90 Year-2014 Thana- SAHEBGANJ District- Muzaffarpur

CHHOTELAL MAHTO Son of Yadolal Mahto Resident of Village-Husseni,
P.S.-Dumariya Ghat, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 612 of 2023 arising out of Sahebganj P.S. case No. 90 of 2014 instituted for the offences under Sections 341, 448, 302, 504/34 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that all the accused persons including this petitioner entered the house of the informant's brother. Thereafter, the petitioner along with Babita Devi and Surendra Mahto caught hold the brother of the informant and the co-accused Harendra Mahto fired upon him,



as a result of which, he sustained injuries and died during treatment.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific accusation of firing is attributed to co-accused Harendra Mahto. Learned counsel further submitted that informant is not the eye-witness to the occurrence. Charge-sheet has been submitted in this case and charge has also been framed. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.03.2022 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sessions Trial No. 612 of 2023 arising out of Sahebganj P.S. case No. 90 of 2014, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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