

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26288 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- RAMGARHWA District- East Champaran

Bipin Mahto @ Bipin Kumar Son Of Ambika Mahto @ Ambika Kushwaha
Village - Dhanhar Dihuli, P.S. - Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ramgarhwa P.S. Case No. 20 of 2022 instituted for the offences under Sections 392, 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the son of the informant, namely, Ajeet Kumar had gone at Raxaul for collection of business money along with one staff, namely, Golu Kumar Singh. At about 6:48 P.M., his staff Golu Kumar Singh informed that in course of returning from Raxaul to Motihari, near the village-Majhariya, some unknown criminals made firing on Ajeet Kumar and he sustained firearm injuries. With the help of local persons, injured was brought at Raxaul S.R.P. Hospital.



When the informant reached there he found that his son was dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR and the same has been lodged against unknown persons. The name of the petitioner has come into light on the basis of confessional statement of co-accused Chhotan Yadav and he has already been granted bail by this Court vide order dated 21.12.2022 passed in Cr. Misc. No. 47419 of 2022. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. The petitioner is in custody since 18.05.2023 and has three criminal antecedents.

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

6. Considering the facts and circumstances of the case as well as 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 Ramgarhwa P.S. Case No. 20 of 2022, Subject to 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)

Arish/-

U		T	
---	--	---	--

