

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26292 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- UJIYARPUR District- Samastipur

Mahesh Mahto Son Of Late Baleshwar Mahto Resident Of Village -
Pachpaika, PS- Ujiarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 342, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. prosecution case in nutshell is that while the son of informant, namely, Sonu Kumar was washing his hands and legs at tube well, in the meantime, petitioner along with other co-accused persons came there and dragged him towards his house. It is further alleged that petitioner caught the son of informant and co-accused Mithilesh Mahto shot



him due to which he sustained fire arm injuries. It is further alleged that at the instance of co-accused Santosh Mahto, the petitioner fired upon informant's elder son, namely, Manish Kumar but it did not hit him. Co-accused Ranjubala was there with a bottle of acid.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and he has committed no offence. He has falsely been implicated in this case due to previous enmity and land dispute. There is case and counter case between the parties. No any specific overt-act has been attributed against the petitioner. The specific allegation is against co-accused Mithilesh Mahto who opened fire upon the deceased due to which he died. It is further submitted that as per impugned order, cause of death due to firearm injury. Moreover, the petitioner is languishing in judicial custody since 22.12.2023. Similarly situated several co-accused persons have been granted bail vide order dated 20.02.2024, passed in Cr.Misc. No. 7911 of 2024 by this Court.

5. The application for bail is opposed by learned



APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Sub-Divisional Judicial Magistrate, Dalsingsarai (Samastipur) in connection with Ujiarpur P.S. Case No. 434 of 2023.

(Sunil Kumar Panwar, J)

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