

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33019 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Sanjay Mahto @ Lala son of Govind Mahto @ Govin Mahto Resident of
Village- Basant Khurd, P.S.- Suppi, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Majorganj P.S. case No.
329 of 2023 instituted for the offences under Sections 302, 120-
B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the accused
persons along with petitioner were involved in killing the son of
the informant.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. General and
omnibus allegation has been made against the petitioner. There
is no specific allegation alleged against the petitioner. Specific



allegation of firing is alleged against co-accused Arun Kumar Singh who fired upon the son of the informant due to which he died. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 22.11.2023 and has seven criminal antecedents in which he is on bail. There is no compliance of Section 100 of the Cr.P.C. Co-accused has been granted bail by this Bench vide order dated 18.04.2024 passed in Cr. Misc. No. 27857 of 2024.

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, the period of custody undergone by the petitioner, charge-sheet being submitted and the claim based on parity, 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 Majorganj P.S. case No. 329 of 2023 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.

(III) If the petitioner commits similar type of offence in future, the Trial Court will be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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