

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39889 of 2024

Arising Out of PS. Case No.-617 Year-2023 Thana- ROSERA District- Samastipur

Shiv Shankar Mahto S/o Bauyelal Mahto R/o Village- Baghopur, P.S.- Rosera,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 06-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Rosera P.S. Case No. 617 of 2023 for the offence punishable under sections 147, 148, 149, 323, 307, 379, 504 and 506 of the Arm of the Indian Penal Code and Section 27 of the Arms Act lodged on 17.12.2023 by the informant, Ramshish Mahto.

3. As per the prosecution story, the informant alleged that the three brothers had partitioned their land decades ago. However, the Bauye Lal Mahto who is one of the brother, executed deed in favour of his son despite the fact that in the partition, it was allotted to him. The allegation is that to grab the said land, went to to the place concerned and thereafter, at the behest of Bauye Lal Mahto and Vikash Kumar as also another son, Sheo Shankar opened fire which hit the informant and his



son. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is land dispute between the parties and as such an exaggerated FIR has been lodged. It is the further submission of the petitioner that though allegation of firing is against him along with Vikash Kumar, so far as the injury part is concerned, the shot fired by him hit the thigh of his injured uncle and as per the injury report which forms the part of case diary, the same has been found to be simple in nature.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer for bail submitting that he also opened fire.

7. Though opening of fire is there, as per the injury report, the same has been found to be simple in nature, he do not have criminal antecedent, is 22 years of age and as per the



undertaking given, will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- to Ramshish Mahto as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Rosera, District Samastipur in connection with Rosera P.S. Case No. 617 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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