

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64778 of 2024

Arising Out of PS. Case No.-115 Year-2023 Thana- BARARI District- Katihar

Sonu Mahto @ Sonu Kumar, aged about 24 years (Gender-M), S/O Nathuni Mahto, Resident Of Village- Gurumela, P.S.- Barari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate

For the Opposite Party : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barari P.S. Case No. 115 of 2023 dated 16.04.2023 registered for the offences punishable under Sections 341, 323, 379, 384, 504, 506 read with Section 34 of the I.P.C. and Section 27 of the Arms Act. Later on, Section 386 of the I.P.C. was also added.

3. As per the prosecution case, the informant sold watermelon to the businessman Manoj Choudhary. When he and Manoj Choudhary loaded watermelon on the vehicle, in the meantime, the petitioner alongwith other co-accused persons came and started firing the bullet. Sonu Mahto (petitioner)



abused him and told to give all the rupees which he had, otherwise he will kill him. The co-accused Santosh Mahto and Nathuni Mahato assaulted Manoj Choudhary and took Rs. 25,500/- from his pocket. They assaulted the driver. They threatened him and demanded extortion money of Rs. 10,000/- from per vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is also a farmer of watermelon and there is dispute with regard to sell of watermelon between the parties. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the other co-accused person Santosh Kumar Mahto @ Santosh Mahto has been granted regular bail by a Bench of this Court vide Cr. Misc. No. 47500 of 2023 under order dated 04.08.2023. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Katihar, in connection with Barari P.S. Case No. 115 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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