

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72677 of 2024

Arising Out of PS. Case No.-90 Year-2014 Thana- SAHEBGANJ District- Muzaffarpur

Babita Devi Wife of Chhotelal Mahato @ Chhotelal Mahto Resident of
Village - Husseni, P.S. - Dumariya Ghat, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sahebganj P.S. case No. 90 of 2014 instituted for the offences
under Sections 341, 448, 302, 504/34 of the Indian Penal Code
and 27 of the Arms Act.

3. Prosecution case, in short, is that all the accused
persons including this petitioner entered the house of the
informant's brother. Thereafter, co-accused persons including
the petitioner caught hold the brother of the informant and the
co-accused Harendra Mahto fired upon him, as a result of
which, he sustained injuries and died during treatment.

4. Learned counsel for the petitioner submitted that



the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner also submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific accusation of firing is attributed to co-accused Harendra Mahto. Learned counsel further submitted that informant is not the eye-witness to the occurrence. Charge-sheet has been submitted in this case and charge has also been framed. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.06.2024 and has no criminal antecedent. Other co-accused has been granted bail by this Court *vide* order dated 12-03-2024, passed in Cr. Misc. No. 15700 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, clean antecedent, claim based on parity as also 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 Sahebganj P.S. case



No. 90 of 2014.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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