

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85894 of 2023

Arising Out of PS. Case No.-107 Year-2019 Thana- KANHAULI District- Sitamarhi

Manish Mahto Son of Tildhari Mahto R/o vill - Arariya, P.S. - Kanhauli, Distt.
- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-04-2024 Heard Mr. Ajay Singh, learned counsel for the
petitioner and Mr. Shyam Kumar Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.12.2022 in connection with S. Tr. No. 96 of 2023 arising out
of Kanhauli P.S. Case No. 107 of 2019, F.I.R. dated 20.09.2019
for the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused
persons including the petitioner have fired upon the son of the
informant due to which he died.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the statement of the wife of the deceased was recorded in paragraph no. 35 of the case diary in which she has not stated anything about the petitioner.

5. The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that as per the allegation in the F.I.R., three persons have fired upon the victim due to which he received three bullet injuries and the injury report also supports the allegation as alleged in the F.I.R. Apart from that the bail application of the co-accused persons, namely, Vijay Mahto and Dinanath Mahto have been rejected by this Hon'ble Court and Co-ordinate Bench of this Hon'ble Court.

6. Considering the aforesaid facts and circumstances that there is specific allegation against the petitioner which is supported by the medical evidence and on the similar footings the bail application of the co-accused persons have been rejected, I am not inclined to enlarge the petitioner on bail in connection with S. Tr. No. 96 of 2023 arising out of Kanhauli P.S. Case No. 107 of 2019 pending in the court of learned



Additional District Judge XV, Sitamarhi.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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