

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9148 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- Mufassil District- Khagaria

Bindul Mahto S/o- Ramdas Mahto Resident of Chandi Mahto Tola
Tikarampur P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Informant	:	Mr. Arun Kumar Tiwary, Advocate Mr. Amar Anand, Advocate
For the Stat	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 09-05-2025 Heard Mr. Krishna Pd. Singh, learned senior counsel appearing for the petitioner, Mr. Arun Kumar Tiwary, learned counsel for the informant and Mr. Ram Bilash Roy Raman, learned APP for the State.

2. Petitioner seeks regular bail in connection with Mufassil P.S. Case No. 126 of 2024 dated 28.09.2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 127(2), 115(2), 109, 352, 351(2) & (3), 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act. Later on Sections 130(1), 61(2) of the B.N.S were also added.

3. As per the prosecution story, on 28.09.2024, the informant's brother-in-law was going to Khagaria from his house, and on the way, the petitioner along with other accused



persons first surrounded him and then started firing at him indiscriminately due to which he got injured and fell on earth. Upon hearing the gun fire, people gathered and rushed the injured to the hospital.

4. The main submissions advanced by learned senior counsel appearing for the petitioner are that though the petitioner is named in the FIR but the informant is not an eyewitness of the alleged occurrence, if the narration of the incident mentioned in the FIR is taken into account even then no direct evidence appears against the petitioner and as per the informant, this petitioner and six named co-accused persons firstly surrounded the victim and then opened fire indiscriminately at the victim, in the meanwhile, the people present in the surrounding area, rushed to the victim and took him to the hospital but during investigation, till date the investigating officer has not been able to identify the said persons who took the victim to the hospital, so, there is no any direct evidence against this petitioner, in fact, there is a criminal case bearing Munger Mufassil P.S. Case No. 333 of 2023 lodged by the brother of the petitioner against the deceased due to which, the petitioner was falsely roped in this matter and against him, the investigation has been completed. It is further



submitted that the petitioner has been languishing in jail since 01.10.2024 having fair and clean antecedent.

5. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that admittedly there was no good relation between the deceased and the petitioner and further, the investigation in respect of the co-accused persons who are still absconding, is pending and the instant matter relates to the brutal killing of the victim.

6. Heard both the sides and perused the FIR, case diary and the postmortem report of the deceased. The petitioner is named in the FIR, though the petitioner has taken the plea that there is no direct evidence against him, however, admittedly, there was no good relation between the deceased and the petitioner's brother during the relevant period and the deceased was brutally killed by inflicting several firearm injuries to his body and investigation in respect of the other named co-accused persons is still pending, so, at this stage it will not be proper to enlarge the petitioner on bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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