

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7638 of 2025

Arising Out of PS. Case No.-278 Year-2019 Thana- SAMASTIPUR District- Samastipur

Devdutt Mahto @ Devwart S/o Late Muso Mahto, Resident of Village
-Telani, Police Station- Bithan, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pratik, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Samastipur (Town) P.S. Case No. 278 of 2019, dated 04.11.2019, in a case registered for the offences punishable under Sections 307 and 120(B) read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution case, after being produced in the Family Court, Samastipur, when Ashok Yadav was being carried back to Sub-Division jail, Rosera, by the informant and escort party, the petitioner along with other co-accused persons opened fire on Ashok Yadav, but the bullet did not hit either Ashok Yadv or the informant.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case due to previous enmity. The petitioner has no concern with the alleged offence. From bare perusal of the FIR it appears that it was Ashok Yadav, who had disclosed the identity of the petitioner and other co-accused persons to the informant and Ashok Yadav has himself admitted that he had previous enmity with them and in such circumstance, it is quite clear that the petitioner and other co-accused persons have falsely been implicated in the present case due to previous enmity. The similarly situated co-accused person namely, Bam Bamma @ Bambam Singh @ Raghvendra Kr. Singh has been granted the privilege of anticipatory bail by this Court *vide* order dated 23.01.2024 passed in Cr. Misc. No. 79474 of 2023. The petitioner has two criminal antecedents out of which one is of similar nature and he is on bail in both the pending matters as stated in paragraph no. 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest / surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-



(Rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with **Samastipur (Town) P.S. Case No. 278 of 2019**, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, on further condition:

(I) The petitioner is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Shahnawaz/-

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