

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19241 of 2025

Arising Out of PS. Case No.-501 Year-2018 Thana- JAMUI District- Jamui

Singheswar Mahto @ Sidheshwar Mahto Son of Late Raghu Nandan Mahto
Resident of village-Amrath, PS-Jamui Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code read with Section 27 of
the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is aged about 75
years and the informant alleges that on 17.09.2018, on two
motorcycles, five accused persons including the petitioner came
and on orders of Prakash and Pappu, they started assaulting the
informant and his brother with slap and fist, thereafter, three
unknown accused also came whom the informant can identify
and they also assaulted by slap and fist, further Dinesh fired at



his brother who died, on alarm villagers came when accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of assault is alleged against the petitioner, rather specific allegation of firing is against Dinesh. It is also submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted Final Form No. 271 of 2022 dated 30.06.2022 exonerating the petitioner of the allegation, but then the learned Trial Court differing with the police report took cognizance as such petitioner apprehends arrest. It is next submitted that when one Investigating Agency, after a threadbare investigation came to a considered conclusion, that petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same investigation which exonerated the petitioner of the allegation. It is also submitted that at the time of the occurrence, the petitioner was aged about 70 years and a person who had remained a person with clean antecedent all throughout his life,



has been made an accused with general and omnibus allegation.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jamui P.S. Case No. 501 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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