

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52631 of 2025

Arising Out of PS. Case No.-719 Year-2024 Thana- DARIYAPUR District- Saran

Shiv Shankar Mahto @ Shiv Shankar Kumar @ Shiv Shankar S/o-
Tarkeshwar Mahto Resident of Village- Tarwan Mangarpal, Ps- Dariyapur,
Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyanchal Singh, Sr. Adv
Ms. Nikita Mittal, Adv
For the Opposite Party/s : Mr. Rana Randhir Singh, APP
For the Informant : Mr. Nawal Kishore Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

2. The petitioner seeks bail in connection with

Dariyapur P.S. Case No. 719 of 2024 registered for the offence

punishable under Sections 126(2), 115(2), 118(1), 109, 352,

351(2), 3(5) of B.N.S. and Section 27 of Arms Act.

3. The case of the prosecution on the basis of typed

application of the informant namely Sohan Kumar is that on

14.12.2024 at about 4 O'clock in evening, this petitioner along

with 8 other named accused persons of this case and 8-10

unidentified accused persons having country made katta, knife,



lathi, and danda surrounded them and started abusing them. On order of Dinesh Kr. Suman, accused Nitish Kumar Suman shot fired on nephew of informant which hit on his left side of chest, accused Rahul Kr. Suman fired with katta which hit on his left hand and bullet crossed his hand. Accused Anuj Kr. Giri assaulted with knife to the informant due to which knife injury in his right belly. Other accused persons including the petitioner started assaulting them with lathi and danda. Receiving injuries the informant and his nephew became unconscious, they were taken to hospital for treatment, where bullet was recovered from body of nephew of informant after surgery. On the next day, the informant regained his sense and given application.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to previous enmity and village politics, no other regular or anticipatory bail petition has been filed by the petitioner in any court of law. The petitioner has clean antecedent. He is in custody since 16.12.2024 and is ready to furnish sureties as required by the Court and hence prays for bail.

5. Learned APP appearing for the State and learned counsel for the informant oppose the prayer for regular bail of



the petitioner.

6. Considering the fact that the petitioner is in custody since 16.12.2024 and there is no direct allegation against him of having fired on the nephew of informant. As per the FIR, he is alleged to be a member of the unlawful assembly. Under these circumstances, let the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dariyapur P.S. Case No. 719 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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