

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88075 of 2024

Arising Out of PS. Case No.-250 Year-2023 Thana- BAKHARI District- Begusarai

Shivan Mahto S/O Late Ram Narayan Mahto Resident of village - Imadpur,
Chakhamid, Ward no.- 15,P.S- Bakhari, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bakhari P.S. Case No. 250 of 2023 registered for the offences under Sections 302, 341, 323, 120(B)/34 of the Indian Penal Code.

3. The allegation against the petitioner is that during a settlement process which took place at the house of Shivan Mahto the petitioner is said to have fired upon Ram Chandra Mahto which hit him on his chest and thereafter, he was taken to the hospital where he was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and it is on account of some transaction of money that he has been falsely implicated in this case. It has



further been submitted that there is no evidence collected during the course of the investigation to connect the petitioner with the alleged incident and in fact from the restatement of the informant as well as other witnesses, it is apparent that the informant was not an eyewitness to the occurrence as stated in the FIR. The learned counsel has further submitted that no incriminating material has been recovered from the conscious possession of the petitioner and it is merely on vague charges that he has been implicated in this case. Learned counsel has lastly submitted that there is one case pending against the petitioner in which he is on bail and he has been in custody since 02.09.2024.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions and taking into account that the name of the petitioner was stated to be taken by the informant stating he was present at the place of occurrence, however, from the restatement of the informant as well as other witnesses it is apparent that the informant was not an eye witness to the occurrence and that the petitioner is in custody since 02.09.2024 having no criminal antecedents, let the petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Begusarai in connection Bakhari P.S. Case No. 250 of 2023 subject to the conditions that

- a. One of the bailors of the petitioner shall be her close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

Prakash/-

U			
---	--	--	--

