

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28005 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Kunwar Mahto S/o Bhola Mahto Resident of village- Bibiganj, P.s.-
Udwantnagar, Dist- Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

F.I.R. named accused, Manoj Yadav and Bharat
Mahto are said to have opened fire causing injury on head and
chest of the deceased respectively and after that petitioner is also
said to have opened fire causing injury on the hand of the
deceased. The post mortem report of deceased goes to show that

three firearm injuries were found on his person but the doctor opined that the death of deceased was caused due to injuries sustained by him on his head and heart.

Submission on behalf of the petitioner is that even if it assumed that petitioner caused injury on the hand of the deceased, then also, the aforesaid injury was not sufficient to cause the death of the deceased. It is further submitted that as a matter of fact, the informant inserted the name of petitioner in the present case after perusing the post mortem report as the first information report was lodged on 27.04.2016 at 13:30 P.M. whereas the post mortem examination on the corpus of the deceased had already done prior to institution of the present case.

Learned counsel appearing for the informant opposed the bail submitting that petitioner has also participated in the alleged crime by opening fire on the deceased.

The investigation against the petitioner has already been completed and petitioner does not have any criminal antecedent. The reason behind the alleged occurrence appears to be land dispute.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with

two sureties of the like amount each to the satisfaction of Chief
Judicial Magistrate, Bhojpur at Ara in connection with
Udwantnagar P.S. Case No. 189 of 2016.

(Hemant Kumar Srivastava, J)

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