

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9494 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -PHULWARI District- PATNA

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Chaitu Mahto @ Chaitu Noniya S/o Ramjeevan Mahto, Resident of
Mohalla- Tamtam Paraw (Sangatpar), Phulwarisharif, Police Station-
Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 26-04-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner is accused in connection with
Phulwarisharif P.S. Case No. 707 of 2015 registered under
Sections 147, 148, 149, 302, 341 and 323 of the I.P.C.

The prosecution case is that the informant Sahjad
along with his brother-in-law Babloo and his Sarhu, Jahangir @
Monu moved on 10.10.2015 at 11:00 pm. for taking Tea at
Tamtam Stand. When the informant reached there, 8-10 persons
including the petitioner and 3-4 unknown were taking liquor
behind the temple and they were quarrelling each other and on
seeing the informant, they started to abuse. When Jahangir @
Monu made protest, the Guddu, Chaitu and petitioner assaulted
him. At the instigation of Ramji Mahto, who used to sell the

Ganja, Guddu Mahto and petitioner gave knife blow to Monu, who fell down. Then the informant fled away. In the meantime, Police came and carried Jahangir @ Monu at P.M.C.H. but on the way, he died.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that occurrence is of 10.10.2015 at about 11:00 pm. in the night and the informant submitted his typed report for lodging the case at about 12.30 in the night, which creates serious doubt about presence of the informant at the place of occurrence and manner of occurrence. It is further submitted that petitioner is in custody since 15.11.2015.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Patna in connection with Phulwarisharif P.S. Case No.707 of 2015. Out of two sureties, one surety must be parents or close relatives of the petitioner.

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(Rajendra Kumar Mishra, J)