

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52728 of 2018

Arising Out of PS.Case No. -8 Year- 2018 Thana -BYPASS District- PATNA

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Raja Kumar S/o- Sri Kallu Mahto @ Jitu Kumar, R/v- Bahri Begampur,
Mandaipar, P.S.- Bypass, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 28-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, in the present case, is seeking regular bail in connection with Session Trial No. 279 of 2018, arising out of Bypass P.S. Case No. 08 of 2018 and C.I.S. No. 115 of 2018 registered for offences alleged under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report the husband of the informant had been in relationship with one Suruchi Kumari, daughter of Kallu Mahto. On 23.12.2017 they had married in a temple and were living in Fatuha. Her husband had come to village on 08.01.2017. He was called by Suruchi Kumari at Malsalami, on way to meet Suruchi



Kumari, her husband stopped at a 'Pan Shop' of Awadhesh where the father, Kallu Mahto and brother, Raja Kumar of said Suruchi Kumari started quarreling with the husband of the informant. In course of quarrel, it is alleged that Kallu Mahto shot dead the husband of the informant. It is alleged that many persons had seen Kallu Mahto and his son Raja Kumar fleeing away.

Learned counsel for the petitioner submits that the informant is not eye-witness to the occurrence. It is further submitted that the specific allegation of firearm is against Kallu Mahto. So far as this petitioner is concerned, it is submitted that there is no specific allegation against him.

Learned APP for the State is present and he has gone through the case diary. It is submitted that the specific allegation of committing overt act is against Kallu Mahto. The postmortem report also suggest death due to chest injury caused of firearm.

Considering the fact and circumstances of the case, wherein the specific allegation of killing by firearm is against Kallu Mahto and not against this petitioner, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Patna City, Patna, in connection with Sessions Trial No. 279 of 2018, arising out of



Bypass P.S. Case No. 08 of 2018 and C.I.S. No.- 115 of 2018,
subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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