

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15909 of 2019

Arising Out of PS. Case No.-14 Year-2017 Thana- PAROO District- Muzaffarpur

SUBHASH PRASAD @ SUBHASH PRASAD MAHTO @ SUBHASH KUMAR Son of Shambhu Mahto Resident of Village- Baradaud, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.
Mr. Shashank Shekhar, Advocate.
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Paroo P.S. Case No. 14 of 2017**, instituted for the offence under Section(s) 302/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that there is no allegation of any specific overt act against the petitioner.

It is alleged in the written report that informant along with his brother namely, Amarendra Kumar @ Amar Bhagat had gone to attend inauguration ceremony of *Prakhand* office. His brother received a phone call and went away saying that he will return from Paroo Main Road. Thereafter, in five minutes,



the informant heard *hulla* that his brother has been shot dead. The informant along with other persons as named in the written report went to the place of occurrence and found his brother injured profusely bleeding. He told the informant that Raju Singh Vidhayakwa and Chhote Mukhiya had got him killed and thereafter he became unconscious and died on the way to hospital.

The learned Sessions Judge has mentioned in the impugned order that co-accused Binod Kumar and Avinash Kumar have confessed their guilt and have taken the name of this petitioner.

Counsel for the petitioner submits that co-accused Binod Kumar and Avinash Rai @ Raja Babu @ Arvind Kumar have already been granted bail by coordinate Bench of this Court vide orders dated 07.11.2017 and 25.04.2018 passed in Cr. Misc.42241 of 2017 and 20610 of 2018 respectively.

Petitioner is in custody since 29.10.2018.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, 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 **learned Additional**



Chief Judicial Magistrate-III, West Muzaffarpur, in connection with **Paroo P.S. Case No. 14 of 2017**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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