

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25574 of 2020

Arising Out of PS. Case No.-605 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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FANTOOS TANTI Son of Late Mahesh Tanti Resident of Mohalla- Bhagat
Lal Mishra Lane, Surkhikal, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.A.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-11-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Rajiv
Nayan, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kotwali (Barari) P.S. Case No. 605 of 2019 for the offence
punishable under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The allegation is regarding the co-accused person namely
Nakul Yadav and Subodh Yadav having demanded extortion
money to the tune of Rs. five lacs from the younger brother of
the informant for constructing the house whereafter the co-



accused Vikas Kumar had called the younger brother of the informant at the government bus stand for the purposes of compromising the matter. It is further alleged that subsequently the said co-accused persons namely Nakul Yadav and Subodh Yadav had taken a sum of Rs. 10,000/- from the brother of the informant. It is also alleged that after the brother of the informant was called by the accused persons and the informant had reached near Vaishnav Hotel, on the alleged date and time of occurrence, it transpired that firing was being resorted to at the bus stand, whereupon the informant came to know that his brother Gautam had been shot dead by the accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 07.01.2020. It is further submitted that though the petitioner is an accused in five other cases but he is on bail in the aforesaid cases. It is also submitted that there is no eye witness of the alleged occurrence. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide order dated 28.11.2019 passed in Criminal Misc. No. 79930 of 2019, order dated 06.03.2020 passed in Criminal Misc. No. 20348 of 2020 and order dated 14.08.2020 passed in



Criminal Misc. No. 22936 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having considered the submissions of the learned counsel for the parties, having perused the materials on record as also the case dairy in question, this Court finds that there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime and moreover similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, hence I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 C.J.M., Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 605 of 2019.

(Mohit Kumar Shah, J)

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