

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23780 of 2020

Arising Out of PS. Case No.-571 Year-2019 Thana- BIHTA District- Patna

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FUDENA NUT @ FUDINA NUT @ PHUDENA NUT s/o Late Deorajit Nut
Resident of Village - Polson Digha, P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2020 Heard Mr. Bhola Prasad, learned counsel for the

petitioner and Mr. Chandra Bhushan Prasad, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with

Bihta PS Case No. 571/2019 registered for the offence

punishable under Sections 302, 307, 326, 34 of the IPC and

Section 27 of the Arms Act.

3. The allegation against the petitioner as per First

Information Report is that the petitioner along with other

accused persons resorted to indiscriminate firing in a wedding

ceremony which caused fire arm injury to some persons

attending the said ceremony. It has further been alleged that the

gun shot fired by one Pintu Nut hit the informant on his right leg

and another shot was fired by Baban Nut which hit one Ram



Ishwar Rai leading to his death.

4. Learned counsel submits that the petitioner has falsely been implicated in this case with oblique motive. Learned counsel also submits that petitioner has got no criminal antecedent and from perusal of the FIR, it would be evident that the allegation against the petitioner is general and omnibus in nature.

5. Learned counsel further submits that there is specific allegation against two accused persons, namely, Pintu Nut and Baban Nut of firing. Leaned counsel referring to Annexure-2 Series, submits that similarly situated co-accused have already been granted bail by this Court vide Cr. Misc. Nos. 83560 and 78697 of 2019. Learned counsel submits that petitioner is in jail since 28.04.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner has got no criminal antecedent and similarly situated co-accused have been granted bail by this Court, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.



7. Accordingly, let the petitioner, FUDENA NUT @ FUDINA NUT @ PHUDENA NUT be released on bail, if he is not required in any other case, 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-1, Danapur, Patna in connection with Bihta PS Case No. 571/2019.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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