

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.944 of 2021

Arising Out of PS. Case No.-372 Year-2019 Thana- BIHARIGANJ District- Madhepura

Banty Kumar Mehra alias Banty Mehra alias Mantu Kumar, aged about 22 years, Male, Son Of Kailash Mehra @ Kailash Mandal, Resident of Village- Sarauni Kala, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S.R.P. Sinah, Senior Advocate
Mr.Rupesh Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-04-2021 Heard Mr. S.R.P. Sinha, learned senior counsel assisted by Mr. Rupesh Kumar, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihariganj P.S. Case No. 372 of 2019 corresponding to CIS No.- 1426 of 2019 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story is that the informant Bebi Kumari filed a written application before S.H.O. Bihariganj and alleging inter alia that in the evening of 14.12.2019, her husband Rajeev Kumar Gupta along with local Sarpanch Kuleshwar Mandal other villagers had gone to take part in feast at the place



of one Tapeshwari Yadav, co-villagers and they all were returning and while reached in between house of Pulat Rideo and Ghusho Rideo at 8.30 P.M. criminals hiding under conspiracy in the house of Ghuso Rideo namely Navin Manal, Mukesh Kumar, Munna, Banti Mandal, Bibhishan Mandal all of village Sarquni and Nawal Yadav of village- Maharajganj besides 10 unknown came in which Navin Mandal with arms caught collar of her husband, shot at head by which he fell down which Navin Mandal repeated the shot besides Mukesh Kumar Manal, Banti and Nawal also fired while Bibhusan Mandal was catching hold of her husband while villagers started collecting all fled away on motorcycle.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the occurrence took place on 14.12.2019 and F.I.R. was lodged on 15.12.2019 at 5.00 P.M. and the said F.I.R. was sent to the court on 18.12.2019 after three days of lodging the F.I.R. He further submits that there is no eye witness in the present case. There is general and omnibus allegation against the petitioner. He further submits that from perusal of the F.I.R. as well as the case diary, it appears that none of the witnesses have seen the actual occurrence. Place of occurrence



does not indicates that any blood stain has been collected by I.O. at the place of occurrence in paragraph-11 of the case diary. There is two days delay in sending the F.I.R. to the court from the date of lodging the F.I.R. Nothing incriminating has been recovered from possession of the petitioner. There is no any eye witness in the present case. Only on suspicion, the petitioner has been made accused in the present case. Petitioner is in jail custody since 03.01.2020 and petitioner has got two criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Udakishunganj, District - Madhepura in connection with Bihariganj P.S. Case No. 372 of 2019 corresponding to CIS No.-1426 of 2019.

(Anjani Kumar Sharan, J)

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