

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29077 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- NAYA RAM NAGAR District- Munger

AKASH TANTI Son of Late Parshuram Tanti Resident of Ram Nagar
Morcha, Police Station Naya Ramnagar, District Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha 2

For the Opposite Party/s : Mr. B.N. Pandey, APP
Mr. Shashi Bhushan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 04-04-2022 Heard Mr. Santosh Kumar Sinha -2, learned counsel
for the petitioner, Mr. Shashi Bhushan Kumar, learned counsel
for the informant and Mr. B.N. Pandey, learned APP for the
State.

Petitioner seeks regular bail in connection with Naya
Ramnagar PS Case No. 150 of 2020 registered for the offence
under Section 147 / 148 / 149 / 302 / 379 of the IPC and Section
27 of the Arms Act.

As per the first information report the petitioner along
with other accused persons fired upon the brother of the
informant due to which he died.

Learned counsel for the petitioner submits that there is
general and omnibus allegation against the petitioner and



petitioner has not committed any offence in the manner alleged. He further submits that genesis of the occurrence is that the deceased was objecting to the petitioner and others in their illegal trade of liquor but there is no material to the effect and the petitioner was ever involved in any case relating to Excise Act. He further submits that similarly situated co-accused person / Gorakh Tanti has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 18591 of 2021.

On the other hand, learned counsel for the informant and State oppose the prayer for bail and submit that during the course of investigation 05 empty cartridges were recovered from the place of occurrence and the informant is an eye witnesses to the occurrence. Learned counsel for informant further submits that petitioner has concealed the fact regarding involvement of the petitioner in Excise Case bearing Jamalpur PS Case No. 204 of 2017. The petitioner is also having criminal antecedent as stated in paragraph -3 of this application.

Regard being had to the submissions made by the parties, taking into consideration the material available on record, the fact that five (05) cartridges were recovered from the place of occurrence, there is direct allegation against the petitioner and others, informant is an eye witness to the



occurrence and petitioner has concealed the material fact regarding his criminal antecedent, as such, claim of parity of the petitioner is not acceptable. Therefore, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of bail is rejected.

However, the petitioner may renew his prayer for bail after one year from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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