

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35986 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

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FANTUSH KUMAR @ FULTUSH KUMAR Son of Hare Ram Mandal @
Bhonu Mandal Resident of Village-Ramdiri Sita Kund, P.S.-Muffasil,
District-Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 396 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the two vehicles ie the trucks were going, it is stated that a Scorpio vehicle overtook them, 5-6 accused persons variously armed got down and as a result of firing by one of them, the driver of one of the vehicles, namely, Pankaj Kumar Gupta died.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. The only material being relied on by the prosecution against him is his name



transpiring in the confessional statement of co-accused Bhupendra. Even from the contents of the confessional statement, the petitioner is not the assailant, the sole assailant being Bhupendra. The petitioner is in custody since 10.12..2020 and chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation and the petitioner being in custody for more than 1 year, the petitioner is directed to be enlarged on bail in connection with Suryagarha P.S. Case no. 225 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai.

(Partha Sarthy, J)

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