

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44901 of 2021

Arising Out of PS. Case No.-646 Year-2020 Thana- PHULWARISHARIF District- Patna

DEEPAK MAHTO @ DEEPAK KUMAR Son of Tufani Singh Resident of
Village - Brahmpur, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kant Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-02-2022 Heard Mr. Piyush Kant Singh, learned Senior
Counsel for the petitioner and Mr. Ram Priya Sharan Singh,
learned Additional Public Prosecutor for the State *via* video
conferencing.

2. The petitioner seeks regular bail in connection with
Phulwarisharif Police Station Case No. 646 of 2020, registered
for the offences punishable under Section 302/120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, as per the First Information
Report, is that the nephew of the informant had gone to attend a
marriage ceremony, in which the petitioner and other co-accused
persons surrounded him and co-accused Rakesh Yadav fired
upon the informant's nephew, due to which he died.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and from



perusal of the First Information Report, it would be evident that the informant is not the eye-witness of the alleged occurrence and he reached the place of occurrence after getting information regarding the alleged occurrence. He further submits that no overt act has been alleged against the petitioner and he is not the assailant rather co-accused Rakesh Yadav has been alleged to have fired upon the informant's nephew.

5. Learned counsel next submits that the name of the petitioner got figured in the present case because he along with others has been named in the FIR lodged by the informant of this case with regard to Phulwarisharif PS Case No. 625/2020 for an incident which took place on 14.11.2020.

6. He further submits that the similarly situated co-accused, namely, Satendra Kumar @ Satendra Kumar Yadav has been granted bail by this Court *vide* Cr. Misc. No. 42411/2021, petitioner is in custody since 09.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

7. Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that similarly situated



co-accused has been granted bail by this Court, the petitioner is not the assailant, charge sheet has already been submitted and the petitioner is in custody since 09.02.2021 and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

8. Let the petitioner, DEEPAK MAHTO @ DEEPAK KUMAR, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Chief judicial Magistrate, Patna, Phulwarisharif Police Station Case No. 646 of 2020.

(Anil Kumar Sinha, J)

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