

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51969 of 2022

Arising Out of PS. Case No.-105 Year-2019 Thana- MARANCHI District- Patna

MANTU BIND Son of Dewan Nishad @ Devan Singh Nishad R/V-
KashhaDiyara, P.S- Maranchi, Dist- patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s) as pointed out by the office within a period
of four weeks.

The petitioner seeks bail in a case initially registered under
Sections-341, 323, 307/34 of the Indian Penal Code and 27 of
the Arms Act but later on, Section-302 IPC was also added.

Prosecution case in short is that the informant
alongwith one Mukesh was going from Begusarai on a
motorcycle. While he along with Mukesh Bind reached near
Sitarampur bridge, the accused persons intercepted them and in
consequence thereof, co-accused Samrat is said to have fired
which hit in the stomach of the informant and the petitioner is



said to have fired upon Mukesh as a result of which, the informant and Mukesh sustained fire-arm injury.

It has been submitted that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 16-06-2022. Charge sheet has already been submitted in this case. The deceased is said to have been fired by the petitioner but till date, the dead body of the deceased has not been recovered. Initially, the case was instituted for offence under Section-307 of the Indian Penal Code but after a period of six months, charge sheet was submitted under Section-302 of the Indian Penal Code. In absence of recovery of any dead body, there is nothing on record to show that offence under Section-302 of the Indian Penal Code is attracted in the present case. It is further submitted on behalf of the petitioner that the dead body so claimed by the prosecution has not been found till date. Except for suspicion, there is no other substantiate evidence in the present case to suggest the commission of an offence under Section-302 of the Indian Penal Code.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of



the case, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Barnwal, learned Judicial Magistrate-Ist Class, Barh, Patna in connection with Maranchi P.S. Case No. 105 of 2019.

(Sudhir Singh, J)

A.K.V.//-

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