

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15062 of 2023

Arising Out of PS. Case No.-718 Year-2021 Thana- KHAGARIA District- Khagaria

CHANDAN TANTI Son of Ram Dev Tanti Resident of Village- Ranisakpura,
P.S.- Gangaur (Khagaria), District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 325, 504, 302, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that while the neighbour of the informant was king construction on the informant's land illegally and when the same was protested, the accused persons started assaulting the informant brutally. Thereafter, the informant sustained injuries and died during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of statement of the witness namely, Raju Kehsri. From perusal of case diary, the



petitioner is not named in FIR whereas the informant/deceased himself lodged the F.I.R. The informant also stated the complicity of the petitioner in his restatement during course of investigation and thereafter he died. It is further submitted that the postmortem report also does not corroborate the prosecution in which only two injuries were found by the doctor whereas it is alleged that all five FIR named accused persons assaulting the deceased. Moreover, similarly situated co-accused namely, Raju Sharma has already been granted bail by a co-ordinate Bench of this Court vide order dated 3.8.2022 passed in Cr. Misc. No. 23951 of 2022 and in support of this Annexure-3 has been annexed with this petition. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 14.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khagaria (Gangaur) P.S.



Case No. 718 of 2021 on furnishing bail bond of Rs.10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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