

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25588 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- BANKA District- Banka

Deepak Mahto @ Tuntun @ Tuntun Kumar @ Deepak Kumar Son Of Late
Jyotish Mahto Resident Of Village - Goabakhar, P.S. - Banka, Distt. - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-09-2023 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 341, 323,
307, 302, 120B/34 of the Indian Penal Code.

3. Allegation against the petitioner and other co-
accused person is that they forced the son of the informant to
drink and thereafter they brutally assaulted him by tying him
with rope due to which he died during the course of his
treatment in the hospital.

4. Learned counsel for the petitioner submits that the petitioner
is innocent and has falsely been implicated in this case. He
submits that no specific overt act has been attributed against the



petitioner and there is general and omnibus allegation against the petitioner.

5. Learned APP for the State opposing the prayer for bail and submits that petitioner has one another criminal antecedent i.e Banka P.S. Case No. 03 of 2023.

6. Without going into the merits of the present case, as the petitioner has suppressed the criminal antecedent, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Banka P.S. Case No. 80 of 2023.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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