

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29531 of 2023

Arising Out of PS. Case No.-287 Year-2020 Thana- SAHPUR District- Patna

NANDAN MAHTO @ ANKIT KUMAR son of Suresh Prasad @ Suresh Mahto R/O VILL- AMARPUR BHAWANICHAK PS- NAUBATPUR DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Shahpur P.S. Case No. 287 of 2020 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 07.05.2022.

The allegation against the petitioner is to commit murder of father of the informant, along with other unknown co-accused persons, by causing firearms injury, where, reason of occurrence, is not explained through present FIR.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated with present case, out of confessional statement of co-accused person, namely, Dilip Paswan, in furtherance thereof no incriminating material recovered/surfaced, as to connect this petitioner, *prima facie*, with the present occurrence of murder. It is submitted that one of the reason of suspicion as to involvement of this petitioner is his criminal antecedents, as he found involved in 10 more criminal cases, where, he is on bail in 03 cases, where in maximum of the cases, his name surfaced on the basis of confessional statement of co-accused, as of the present case. It is submitted that despite of the fact the petitioner is in custody since 07.05.2022, was not remanded in 03 criminal cases, which itself reflects police atrocities towards this petitioner. It is also submitted that several witnesses examined, during course of investigation, but none of them stated incriminating against this petitioner. While traveling over the argument, it is submitted that several similarly situated co-accused persons have already granted bail by different learned co-ordinate Bench of this Court, which are part of this bail petition, as Annexure – 2 series. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already been submitted, as such, there is no chance of



tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused, nothing incriminating surfaced/recovered against this petitioner, which may connect him, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 07.05.2022, accordingly, above named petitioner is directed to be released on bail in connection with Shahpur P.S. Case No. 287 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 learned Additional Sessions Judge-V, Danapur, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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