

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31686 of 2023

Arising Out of PS. Case No.-65 Year-2021 Thana- BUNIYAD GANJ District- Gaya

DURGA MAHTO @ KUNAL KUMAR s/o of Late Kailash Mahto @ Pathar
Singh Resident of Village- Khanjahapur, P.S.- Buniyadganj, district- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 386, 302, 379 of the Indian Penal Code and Section 27 of Arms Act.

3. According to the FIR, the informant alleged that the petitioner along with others surrounded his brother namely, Ranjan Kumar and on instigation of co-accused Sintu Kumar, this petitioner fired upon the brother of informant due to which he shot dead. Thereafter, the present FIR has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The informant is not an eye witness of the alleged occurrence rather on the basis of suspicion, he implicated the petitioner in this



case. From perusal of FIR, specific overt-act of firing upon the deceased is attributed against the petitioner but during course of investigation some witnesses have been examined, who saw the alleged incident and stated vide para 8, 9, 15, 21 & 22 of the case diary that the co-accused Sintu Kumar shot fire upon the brother of the informant due to which he shot dead. There is no independent witness to support the prosecution. It is further submitted that the petitioner is languishing in judicial custody since 11.1.2023.

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

6. 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 Buniyadganj P.S. Case No. 65 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 A.C.J.M.-VIII, Gaya.

(Sunil Kumar Panwar, J)

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