

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35388 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Sunil Kumar, Son of Ganga Prasad, Resident of Village - Dih Boriya, P.S.-
Bibhutipur, District - Samastipur, Bihar Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 26 of 2021 dated 20.01.2021
registered for the offences punishable under Sections 147, 148,
149, 302, 323 and 341 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that in the FIR, twenty-six persons
including the petitioner have been named as an accused and 70-
80 persons have been shown as unknown persons being
involved in the alleged crime of murder and several similarly
situated co-accused persons namely Baldeo Mahto @ Baldev
Mahto, Raj Kumar Paswan, Naresh Paswan, Manoj Mahto @
Manoj Kumar Mahto, Muneshwar Mahto @ Muneshvar Mahto
@ Lal Babu @ Lal Baba, Laddu Lal Rai @ Genhari Rai,



Shankar Mahto and Rajnish Mahto @ Rajnish Raushan @ Rajnish Kumar have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 63378/2022, 22933/2022, 61420/2021, 2375/2022, 18596/2023 and 20348/2023 respectively. It is further submitted that the petitioner has fair and clean antecedent and is also a handicapped person with 85% disability by his hands and in the FIR there is no specific allegation against him. It is further submitted that prior to the alleged occurrence, the deceased of the present case with other accused persons had killed the minor son of Mahesh Mahto, one of accused named in the FIR and to put pressure upon the prosecution party, the informant implicated altogether 27 persons including the petitioner in the present case.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent as well as his physical disability as stated above and also the fact that several similarly situated co-accused persons mentioned-above are on bail, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing



bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bibhutipur P.S. Case No. 26 of 2021.

(Shailendra Singh, J)

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