

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42965 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Khus Khus Kumar @ Sanjeev Kumar Son Of Krishna Kumar Mahto @ Kari
Mahto Resident Of - Singhiya Ghat, P.S.- Bibhutipur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is a case of commission of murder to the informant's brother, namely, Sanatan Paswan by gunshot injury by one of the three miscreants, riding on a motorcycle. Deceased received gun shot injury in his stomach and during treatment, he died in D.M.C.H..

It is submitted by learned counsel for the



petitioner that petitioner has been falsely implicated in this case. Petitioner is not named in the FIR and his name subsequently sprang up on the confessional statement of co-accused Dinesh Kumar Singh. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, the name of the petitioner has been dragged in the present case. During investigation, no consistent material has come against the petitioner to show his involvement in the present case. No incriminating weapon has been recovered from his conscious possession. He has not been put on TIP. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 15.05.2023. Moreover, co-accused Dinesh Singh has been granted bail by this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 7014 of 2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties



and considering the facts and circumstances of the case,
this court is inclined to enlarge the petitioner on bail.
The above named petitioner is directed to be enlarged on
bail on furnishing bail bond of Rs. 10,000/- (Rs. ten
thousand only) with two sureties of the like amount each
to the satisfaction of the learned Special Judge, SC/ST
(POA) Act, Samastipur in connection with Bibhutipur @
Vibhutipur P.S. Case No. 377 of 2022.

(Sunil Kumar Panwar, J)

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