

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44077 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- BYPASS District- Patna

Kallu Mahto@ Vikas Kumar Son Of Nanki Mahto @ Arjun Mahto Resident
Of Village- Bahri Dhawalpura, P.S-. By Pass, Dist-. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

As per prosecution case, on 09.03.2023 the nephew of the informant Manjay Singh was sitting at Kushwaha Panchit Akhara where due to some matter Sonu Kumar @ Kaltu Kumar, Ravi Kumar and Kallu Mahto (petitioner) quarreled with the nephew of the informant and consequently Sonu Kumar @ Kaltu Kumar and Ravi Kumar fired upon the nephew of the informant and petitioner helped them to flee away. It is further alleged that while the nephew of the informant was being brought to the hospital he succumbed to injuries on the way.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has



falsely been implicated in the present case merely on suspicion. There is no specific overt-act against the petitioner. The informant is not an eye witness to the alleged occurrence. The specific allegation of opening fire is against other co-caused namely Sonu Kumar @ Kaltu Kumar and Ravi Kumar who opened fire, which hit to Manjay Singh (deceased) nephew of the informant as a result of which he died. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 11.03.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bypass P.S. Case No. 116 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate-VI, Patna City, Patna.

(Sunil Kumar Panwar, J)

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