

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62858 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Manish Kumar Mahton Son of Sanjeet Mahton R/o vill - Sugga Bakhri, P.s. -
Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Munna Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, four miscreants boarded in train and they take their sit in front of the informant. At Imli Railway station they snatched his mobile. When protest was made, one of them opened fire as a result of which he received gunshot injury in his abdomen.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has been falsely implicated in this case merely on suspicion. The petitioner is not named in the FIR. His name has been transpired



in this case on the basis of confessional statement of co-accused Manoj Yadav, which has no evidentiary value in the eye of law. Nothing has been recovered from his conscious possession. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 59698 of 2023. Petitioner has got no criminal antecedent and languishing in judicial custody since 22.05.2023.

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 Judicial Magistrate Railway Court, Khagaria in connection with Khagaria Rail P.S. Case No. 23 of 2023.

(Sunil Kumar Panwar, J)

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