

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65253 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- KANTI District- Muzaffarpur

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Bajrangi Mahto @ Bajrang Mahto @ Bajrangi Kumar Son Of Laxmi Mahto
Resident Of Village Nunfar Jagran Chowk, P.S.- Brahmpura, District –
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Dr. Bipin Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant.

2. In the present case, the petitioner is
apprehending his arrest in connection with Kanti P.S. Case No.
419 of 2023, registered on 07.06.2023 for the offences under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, the husband of the
informant was shot dead by co-accused persons after chase by a
number of persons including the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not present at the spot and even in the FIR only allegation against the petitioner is that he was a member of the mob but no overt act has been attributed against him. The dispute for money was between the deceased and other co-accused persons and not with this petitioner. The petitioner has no concern with other co-accused persons and he is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the informant as well as other witnesses have named this petitioner as member of the mob, which chased the husband of the informant and shot him dead. Learned counsel for the informant further submits that anticipatory bail of the co-accused namely, Raman Singh and Pintu Kumar have been rejected by different Co-ordinate Benches vide orders dated 19.10.2023 and 31.10.2023 passed in Cr. Misc. Nos. 67520 of 2023 and 64915 of 2023, respectively. However, learned APP concedes that in para 9 of the case diary the eye witness brother of the deceased has not named this



petitioner.

6. At this stage, learned counsel for the petitioner submits that there was specific allegation against two co-accused persons that they fired upon the deceased and there is no such allegation against the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific allegation has been levelled against the petitioner except that he was part of the mob and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, West, Muzaffarpur/concerned court in connection with Kanti P.S. Case No. 419 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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