

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68840 of 2023**

Arising Out of PS. Case No.-13 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rajesh Mahto @ Rajesh Kumar Son Of Chandeshwar Mahto R/O Vill -
Shahbajpurslem, P.S. - Ahiyarpur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Narsingh Tanti

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302 and 394
of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, three unknown miscreants
attacked on the informant and his brother when they left their
shop in Afsara market and take turn to Jawaharlal Road. The
informant further alleged that thee unknown persons reached
there on a motorcycle, two persons came forward and fired on
his brother and thrown mirchi powder in the eyes of the
informant. Allegation of robbery of 40-60 thousand rupees is
also there. The brother of the informant was brought in the



hospital where doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person before the police which has got no evidentiary value in the eye of law. Nothing consistent material has come against the petitioner during investigation. Similarly situated several co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide Anneuxre-2 series of this petition. Moreover, he is languishing in judicial custody since 02.09.2021.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muzaffarpur Town P.S. Case No. 13 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge 20,
Muzaffarpur.

(Sunil Kumar Panwar, J)

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