

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72568 of 2023

Arising Out of PS. Case No.-9 Year-2013 Thana- KURSAILA District- Katihar

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Tuntun Mahto @ Tunna Mahto @ Ghanshyam Mahto Son Of Bhagwan
Mahto @ Bhagwat Mahto Resident Of Village - Gandhigram (Gandhi Ghar)
Bind Toli, P.S. - Kursela, District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner along with
others is of killing the brother of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
dirty village politics. He has committed no offence. There is
general and omnibus allegation against the petitioner rather the
specific allegation against co-accused Rajla Mahto and Matra
Mahto. There is no specific overt act against the petitioner. He



further submitted that two accused namely Matro Mahto and Ranjeet Mahto have been put on Trial in S.T. No. 331 of 2018 and they have been acquitted by the learned trial Court vide judgment order 22.07.2019 and in the said trial in the informant of the present case was examined as P.W.-7 and he deposed that who had assaulted his brother he can not say and only he put his thumb impression on the *fardbeyan* and he claimed himself to be hear-say witness and the learned trial Court has been pleased to acquit the accused persons. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 7.11.2023 passed in Cr. Misc. No. 71885 of 2023. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 14.01.2023.

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

6. Having heard learned counsel for the parties and considering 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 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfac-



tion of the learned Additional District Judge-III, Katihar in con-
nection with Kursela P.S. Case No. 09 of 2013.

(Sunil Kumar Panwar, J)

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