

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1772 of 2023

Arising Out of PS. Case No.-48 Year-2020 Thana- BHADAUR District- Patna

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TUNNY KUMAR @ TUNNI MAHTO Son of Janardan Mahto @ Jano
Mahto Resident of Village - Jandi Nagar, P.S.- Bhadaur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-04-2023 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 sections 147, 148, 149, 341, 342, 323, 307, 302, 120(B), 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant alleged that while he was coming along with his brother namely, Lalan Kumar, in the meantime, the accused persons including the petitioner surrounded them and started assaulting them. Co-accused Janardan Mahto @Jano Mahto shot fire upon the Lalan Kumar and Nago Mahto as a result of which they sustained injuries. Thereafter, they were taken to hospital



where doctor declared Lalan Kumar as died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both the parties are agnates and a land dispute is going on between them due to which the petitioner has falsely been implicated in this case. From perusal of FIR, specific allegation is against co-accused Janardan Mahto who fired upon the deceased Lalan Mahto due to which he died. Moreover, similarly situated co-accused namely, Saina Mahto has already been granted bail by a co-ordinate Bench of this Court vide order 4.8.2021 passed in Cr. Misc. No. 39316 of 2021 in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 24.8.2022.

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

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 Bhadaur P.S. Case No. 48 of 2020 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Barh, District-Patna.

Amandeep/-

(Sunil Kumar Panwar, J)

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