

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27626 of 2024**

Arising Out of PS. Case No.-162 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Dev Nath Kumar @ Kashiya S/O Late Indal Mahto @ Inderjit Mahto R/O  
Vill-Bajopur, P.S. -Samastipur (MUFFASSIL) Dist-Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**  
**ORAL ORDER**

2      22-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody in connection with Mushrigharari P.S Case No. 162 of 2023 registered for the offences punishable under Sections 302, 120(B)/34 of the I.P.C and Section 27 of the Arms Act.

3. As per prosecution case, son of the informant namely Deepak Kumar was playing gambling in the vacant she-goat farm of petitioner and during course of gambling altercation took place and co-accused Birju Sahni and Akhilesh Sahni shot the son of the informant and his son sustained bullet injury on his abdomen and neck and he was brought to hospital where doctor has declared his son dead.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He further submits that petitioner is not named in the FIR. It is also submitted that petitioner is in judicial custody since 13.10.2023. Similarly, situated co-accused persons have already been granted bail by this Court in Cr. Misc. No. 24748 of 2024 vide order dated 05.04.2024 and Cr. Misc. No. 11890 of 2024 vide order dated 18.04.2024 respectively.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Samastipur in connection with Musarigharari P.S Case No. 162 of 2023.

**(Ramesh Chand Malviya, J)**

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