

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71008 of 2023

Arising Out of PS. Case No.-185 Year-2016 Thana- BAKHTIYARPUR District- Patna

SUNIL KUMAR MAHTO @ SUNIL MAHTO SON OF RAMESHWAR
MAHTO RESIDENT OF VILLAGE- DUMARI, P.S.- TARAIYA, DIST.-
SARAN AT CHHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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

ORAL ORDER

6 04-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No.185 of 2016 registered for the
offence under Sections 302, 120B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. Allegation against the petitioner is to have
committed murder of the brother of the informant along with
other co-accused person.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that similarly
situated co-accused person, namely, Suraj Kumar @ Surajkant
has already been acquitted vide judgment dated 11.06.2018



passed by the learned Additional Sessions Judge-IIIrd, Barh (Patna) in Session Trial No.245 of 2017. It is also submitted that nothing incriminating articles have been recovered during course of investigation against this petitioner, which may connect him with the present set of occurrence. It is further submitted that petitioner is in custody since 06.07.2019.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner as it appears from perusal of report of learned trial court that there is no progress with regard to trial against this petitioner, where, petitioner is under custody since about 05 years and as it appears from perusal of case diary that there is no eye-witness to the occurrence, let the petitioner, above named, is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No.185 of 2016 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Trial Court/concerned court, Barh, Patna.

(Ramesh Chand Malviya, J)

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