

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82693 of 2024

Arising Out of PS. Case No.-1343 Year-2023 Thana- PHULWARISHARIF District- Patna

Abhishek Kumar Son of Raju Kumar @ Raju Mahto R/O Vill.- Dhupar Chak,
P.S.- Phulwari Sharif, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-04-2025 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 120(B) of the Indian Penal Code & Section 27 of the Arms Act.

3. The case of the prosecution is that the petitioner called the brother of the informant and with the help of other accused persons, he was killed by firing. There is specific allegation against Mangala Rai that he took pistol from Mukku and fired at the brother of the informant due to which he fell down and died during treatment.

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. Though, in the FIR, there is



allegation against this petitioner that he has called the deceased but from perusal of para-88 the statement of the uncle of the deceased, it transpires that his uncle has executed an agreement of sale in favour of Mukku alias Mukesh and the deceased had stopped his uncle from making the transaction due to which, there was dispute between Mukku and Sonu Kumar(the deceased). He heard the noise of firing and when he went there, he found that Sonu Kumar was lying there. From perusal of the diary, it transpires that there is no eye witness of this case and the main thrust of allegation is against Mangala Rai. Learned counsel for the petitioner has also submitted that co-accused persons have already been granted bail by co-ordinate Bench of this Court vide Annexure-2 and Annexure-2/A of this petition. Moreover, the petitioner is languishing in judicial custody since 10.10.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulwari Sharif P.S. Case No. 1343 of 2023 on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned Additional District
and Sessions Judge-XXVI, Patna.

(Ashok Kumar Pandey, J)

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