

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78628 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- BAKHTIYARPUR District- Patna

Mantu Kumar @ Mantu Gop @ Manta Gope S/o- Late Banwari Rai R/v-
Nayatola Champapur P/A- Chiraiya Both Ps- Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and Mr. B.N. Pandey, learned APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer of the petitioner for grant of bail has been rejected by this Court *vide* order dated 20.03.2025 passed in Cr. Misc. No. 85347 of 2024 with a liberty that he may renew his prayer for bail after six months.

3. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 201, 120-B and 34 of the I.P.C. and Section 27 of the Arms Act.

4. The case of prosecution, in short, is that, the cousin



brother of the informant Rajesh Kumar has gone to Baglu Bagicha with his friends. When he was at home, he received a telephonic information that a scuffle is going between Rajesh and Manta Gop, on this information, he went there with his cousin brother Sajjan Kumar on a bike and he saw that Mantu Kumar and others were having scuffle with Rajesh. Mantu, Bulkan Gop and Arjun Rai were having country made pistol in their hands, Kanchan Kumar was having lathi. It is further alleged that Mantu fired at Rajesh Kumar due to which he fell down.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that the petitioner is languishing in judicial custody since 19.04.2024 and in Trial Court though charge has been framed, no witness has yet been examined. It has also been submitted that the informant has received information that scuffle is going between the accused persons and the deceased, after that he went at the place where he saw the occurrence. It has also been submitted that it is quite impossible that the accused persons will wait till the arrival of witnesses for firing. From perusal of paragraph no. 2 of the case diary it is evident that the informant has received an information



that an occurrence has taken place and on this information police has registered a Sanha and has proceeded to the place of occurrence where they found the dead body of the Rajesh Kumar. It has also been argued by the learned counsel for the petitioner that the information which was received by the police is not on record and that the information which was received by the police is the actual FIR and in that view of the matter, this FIR is hit by Section 162 of the Cr.P.C. It has been next argued that though there is direct allegation against the petitioner of firing but the way the FIR has been lodged despite the Sanha create serious doubt.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and submitted that petitioner is having criminal antecedent of seven cases.

7. 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 Session Trial No. 872 of 2024 arising out of Bakhtiyarpur P.S. Case No. 173 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- VI, Barh,



Patna/concerned Court below.

8. Accordingly, the application stands allowed.

(Ashok Kumar Pandey, J)

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