

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85347 of 2024

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

Mantu Kumar @ Mantu Gop Son of Late Banwari Rai Resident of village
Nayatola Champapur permanent address Chiraiya both P.S- Bakhtiyarpur,
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Ms. Rashmi Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-03-2025 Heard learned counsel for the petitioner. learned APP
for the State and learned counsel for the Informant.

2. The petitioner has prayed for regular bail in connection with Bakhtiyarpur P.S. Case No. 173 of 2024 instituted for the offence under Sections 302, 201, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the fardbeyan of Gautam Kumar is that on 24.03.2024 the cousin brother of the informant Rajesh Kumar has gone to Bablu 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 there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He further submitted that from perusal of para-2 of the diary it transpires that police has received an information that an occurrence has taken place and on this information, police has registered a sanha and has proceed to the place of occurrence, where they found the dead of 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. Moreover, the petitioner is languishing in judicial custody since 19.04.2024.

5. Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of regular bail and submitted that in para-5 and para-6 two witnesses who are the eye witnesses of the case have stated that they have seen that the petitioner has fired at Rajesh Kumar due to which he



died. He is the main assailant of this occurrence. He is also having a criminal antecedent of seven cases.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against this petitioner, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

7. However, the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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