

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45624 of 2014

Arising Out of PS.Case No. -179 Year- 2014 Thana -KHODAWANPUR District- BEGUSARAI

1. Umesh Mahto S/o Late Ram Narayan Mahto Resident of Village -
Chakwa, Police Station - Khodabandpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.6911 of 2015

Arising Out of PS.Case No. -179 Year- 2014 Thana -KHODAWANPUR District- BEGUSARAI

1. Mukesh Mahton Son of Jay Prakash Mahton Resident of Village -
Kumbhi P.S. - Cheriya Bariyarpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.45624 of 2014)

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Nityanand(App)

(In Cr.Misc. No.6911 of 2015)

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Pramod Kr.Panday(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 04-03-2015

Heard both sides.

Since both the bail applications arise out of the
same Khodawandpur P.S. Case No. 179 of 2014, they have been
heard together and are being disposed of by this common order.

The petitioners seek regular bail in a case under

section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Dhaneshri Devi, widow of deceased Umesh Mahto alleged that while she had gone to provide food to her husband, she saw 7-8 persons coming there and making indiscriminate firing killing her husband on the spot. The informant identified Mukesh Mahto, Umesh Mahto, Lallan Sharma, Suresh Paswan and Mithilesh Mahto.

Learned counsel for the petitioners submits that the informant has not made any specific allegation of firing against the petitioner. From the last paragraph of the first information report it appears that the informant has named these petitioners as conspirator along with Lallan Sharma. It is further submitted that the deceased was a veteran criminal and from perusal of paragraph 41 of the case diary it would appear that the deceased was accused in four criminal cases including the case registered under section 302 of the Indian Penal Code.

On a perusal of the record it appears that the informant made a specific allegation that all the accused persons made indiscriminate firing and she identified the petitioner along with other accused persons who had made indiscriminate firing. From perusal of the post mortem report it appears that the

deceased received fire arm injury all over his body and died on the spot.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Khodabandpur P.S. Case No. 179/14 pending in the court of the Chief Judicial Magistrate, Begusarai. Accordingly both these applications are rejected. The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt/communication of a copy of this order. However, if the trial is not concluded by then, the petitioners may renew their prayer for bail.

(Prabhat Kumar Jha, J)

Amin/-

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