

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33433 of 2014

Arising Out of PS.Case No. -54 Year- 2014 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Amar Mahto, son of Late Mahadev Mahto, resident of Village-Balua Briti
Tola, P.S.-Paharpur, District-East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma

For the Opposite Party : Mr. Nand Kishor Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 28-04-2015 Petitioner is languishing in custody since
18.04.2014 in a case registered for the offences punishable
under Sections 147, 148, 149, 302, 307/34, 323, 324, 341 of
the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that accused persons came
variously armed and forbade the informant's side to construct
hut. Subsequently co-accused Mani Prasad caught hold the
father of the informant and co-accused Binod Prasad assaulted
with farsa on the head of the father of the informant but he
received injuries below the left eye. When the father of the
informant fell down then co-accused Bindyachal Mahato
resorted to fire in the air and this petitioner and Upendra
Mahto also assaulted him with stones. Subsequently the father
of the informant succumbed to the injuries.

It is submitted by learned counsel for the
petitioner that petitioner is aged person and specific accusation

is against co-accused Binod Prasad and in the background of bona fide dispute with regard to the construction of the hut the occurrence took place.

It is submitted by learned counsel for the informant that the postmortem reflects that the victim died due to the injuries caused on the abdominal area by stones and petitioner has serious criminal antecedent.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner at present.

Accordingly the application is dismissed in connection with Paharpur P.S. Case No. 54 of 2014, pending in the Court of learned Judicial Magistrate, Motihari, East Champaran.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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