

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9936 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -MADHEPUR District- MADHUBANI

1. Rameshwar Mahto Son of Late Ram Chandra Mahto resident of village -
Nawada, P.S. Madhepur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.15402 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -MADHEPUR District- MADHUBANI

1. Chhotelal Mahto Son of Late Ramchandra Mahto resident of village -
Nawada, Police Station - Madhepur in the District of Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.9936 of 2015)

For the Petitioner/s : Mr. Ram Narayan Mahto

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

For the informant : Mr. Prafull Chandra Jha, Advocate

(In Cr.Misc. No.15402 of 2015)

For the Petitioner/s : Mr. Raj Kumar

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

For the informant : Mr. Prafulla Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 05-08-2015 Heard the learned counsel for the petitioners, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioners seek bail in a case under Section 302

and other sections of the Indian Penal Code.

The informant, widow of deceased Domi Mahto, alleged that some altercation took place for planting Sahjan tree. The petitioner Chhotelal Mahto is alleged to have assaulted Domi Mahto, husband of deceased, with Khanti and thereafter Rameshwar Mahto, the petitioner, is alleged to have assaulted Umesh Mahto, Mahesh Mahto with Lathi. Mahesh Mahto got injuries on his head thereafter other accused persons are alleged to have assaulted the informant and her two sons. Mahesh Mahto also died during the course of treatment.

Mr. Raj Kumar, the learned counsel for the petitioner Chhotelal Mahto, submits that petitioner Chhotelal Mahto is alleged to have assaulted with Khanti on the head of Domi Mahto but no blood was found on the place of occurrence. From the place of occurrence one stick was recovered but no blood stain was found on the stick. Mr. Ram Narayan Mahto, the learned counsel for the petitioner, Rameshwar Mahto, submits that the allegation of assault is with Lathi and one single blow was given. The petitioner Chhotelal Mahto is in jail since 17.09.2014 and petitioner Rameshwar Mahto is in jail since 20.04.2014.

It appears that petitioner Chhotelal Mahto assaulted with Khanti on the head of Domi Mahto and petitioner

Rameshwar Mahto assaulted Mahesh Mahto with Lathi on his head. The post mortem report of Domi Mahto and Rameshwar Mahto revealed that they got head injuries which caused death of both the deceased.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

If the case is not committed to the court of Sessions, learned Magistrate in seisin of the case is directed to commit the case forthwith to the court of Sessions and on such learned Sessions Judge is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order. The Superintendent of Police, Madhubani is directed to procure the attendance of the witnesses and produce them in the court so that the trial must conclude within nine months. If the trial is not concluded within the aforesaid period, the petitioners may renew their prayer for bail.

(Prabhat Kumar Jha, J)

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