

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5083 of 2015

Arising Out of PS.Case No. -73 Year- 2014 Thana -JAMUI District- JAMUI

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Kamlesh Mahto son of Jodhi Mahto resident of village Kakan, P.S. and District Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-03-2015 Heard both sides.

The petitioner seeks bail in Jamui P.S. Case No. 73/2014 registered for the offence under Section 302, 394 and other sections of the Indian Penal Code.

The informant alleged that while he was waiting for auto-rickshaw, Niraj Singh came on a motorcycle. He sat on the motorcycle with him. When they reached near Kushwaha Building Chowk, Jodhi Mahto firstly assaulted with lathi on the head of Niraj Singh and he came down. Thereafter, Kamlesh Mahto, the petitioner, Subhash Kumar @ Virappan, Suresh Mahto, Subhash Mahto @ Jubraj Mahto threw bombs on the head of Niraj Kumar who died on the

spot. Thereafter, other accused Jodhi Mahto, Jubraj Mahto, Suresh Mahto, Subhas Mahto made incriminate firing on Niraj Kumar.

The Learned Counsel for the petitioner submits that the informant alleged that while he was going by the motorcycle, bomb was thrown on Niraj Kumar, but the informant did not received any injury of explosion of bomb. Other witnesses have stated the same story.

It is submitted that there was enmity. The deceased was himself a veteran criminal and petitioner has got no criminal antecedent. On such, Learned A.P.P. submits that bomb was exploded on the head of Niraj Singh and not on the body of the Informant. Deceased fell down from the motorcycle and he also got injuries because of hard and blunt substance. Injuries found on the deceased were of explosive substance and firearm.

Having considered the facts that there is a very specific allegation made against the petitioner that it was the petitioner who threw bomb on the head of the deceased Niraj Singh who died on the spot. Thereafter, other accused persons

also fired.

The Doctor found injuries caused by explosives and firearm on the body of the deceased.

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

(Prabhat Kumar Jha, J.)

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