

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40360 of 2015

Arising out of PS.Case No. -96 Year- 2015 Thana -LAURIYA District- WEST
CHAMPARAN(BETTIAH)

Ram Nath Mahato, Son of Late Sukhdeo Mahato, resident of Village -
Jawahirpur, P.S. - Lauriya, District - West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.
For the Informant : Mr. B.N. Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-10-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State

The petitioner is languishing in custody since 15.05.2015
in connection with Lauriya P.S. Case No. 96 of 2015 for the
offences instituted under Sections 147, 148, 149, 341, 342, 323,
324, 307 and 302 of the IPC.

The prosecution story, in brief, is that on 13.05.2015 at
8.50 A.M., the informant lodged his fardbeyan with Bettiah Town
Police at M.J.K. Hospital, Bettiah, stating that on 12.05.2015 at
10.30 P.M., after having dinner, the informant and his brother,
Vijay Kumar Tiwari (the deceased) were sitting in *Verandah* at
their house situated at Village-Jawahirpur. Thereafter, the



informant went in his room for sleeping. When the informant entered into his room, he heard hulla. Upon hearing the hulla, when the informant came out from his room, he saw that the deceased was being assaulted by his co-villagers, namely, Ram Nath Mahato, Dinesh Mahato, Amresh Mahato, Arjun Mahato and the wife of Umesh Mahato. The accused persons caught the deceased and took him in their house and locked him in a room. Upon seeing the informant alone, the co-accused, Dinanath Yadav abused him and drove him away. The informant raised alarm upon which the co-villagers assembled there and upon protest, the co-accused, Ram Nath Mahato opened the door. The informant saw the deceased in a pool of blood in the courtyard (Angan) of Ram Nath Mahato. With the co-operation of the villagers, the deceased was taken to Lauriya Hospital where from the doctor referred the deceased to M.J.K. Hospital, Bettiah, when the doctor saw the deceased at M.J.K. Hospital, Bettiah, the deceased was declared dead. The cause of occurrence is the land dispute between the parties on account of which, there was tension between both the parties.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 15.05.2015 and the charge sheet has been submitted

in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is said to be aged 75-80 years. No specific injury is said to have been attributed against the petitioner. There is an admitted land dispute between the parties.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and the alleged occurrence is said to have taken place in the *Aagan* of this petitioner. The said fact is supported from paragraph no. 11 of the case diary where the place of occurrence has been examined by the Investigating Officer.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Lauriya P.S. Case No. 96/2015, pending in the court of the learned C.J.M., West Champaran at Bettiah. Anyhow, the petitioner, if so advised, may renew the prayer for bail after completion of one year in custody from 15.05.2015. In the meantime, the Trial Court shall take all necessary steps to expedite the trial of the case.

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(Sudhir Singh, J)