

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11949 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -SISWAN District- SIWAN

- =====
1. Raju Kumar Mahto Son of Jagdish Mahto
2. Sanjay Mahto Son of Jagdish Mahto Resident of Village - Ramgarh, P.S.-
Siswan (Chainpur O.P.), District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha, Adv.
For the Opposite Party/s : Mr. Smt. Asha Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

3 05-08-2015 Heard both sides.

The petitioners seek bail in Siswan (Chainpur) P.S. Case No. 180/2014, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

Petitioner no. 1 Raju Kumar Mahto is alleged to have assaulted the informant Lalji Kumar Mahto and Hiramati Devi with iron rod. Petitioner no. 2 Sanjay Mahto is alleged to have assaulted Vijay Mahto, his wife Basanti Devi and Ganga Mahto with spade on their head.

Learned counsel for the petitioner submits that Lalji Kumar Mahto and Hiramati Devi got simple injuries. Vijay Mahto and Basanti Devi also got simple injuries. Ganga Mahto also got

simple injury but after 12 days of the occurrence he died. The witnesses have disclosed that firstly Lalji Kumar Mahto assaulted Raju Mahto with spade on his head and thereafter occurrence took place.

From the records it appears that Raju Kumar Mahto assaulted Lalji Mahto and Hiramati Devi who got simple injuries.

Considering the facts aforesaid, Petitioner No. 1 Raju Kumar Mahto, above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri D.N. Bharadwaj, Judicial Magistrate 1st Class, Siwan in connection with Siswan (Chainpur) P.S. Case No. 180/2014.

So far as the case of Petitioner no. 2 Sanjay Mahto is concerned, he is alleged to have assaulted Vijay Mahto, Basanti Devi and Ganga Mahto. Vijay Mahto and Basanti Devi got simple injuries. The Doctor also opined that Ganga Mahto got simple injury on his head but from the post-mortem report of Ganga Mahto it appears that there was haematoma and haemorrhage on the head of Ganga Mahto and he died due to aforesaid injury.

Considering the facts aforesaid, I am not inclined to enlarge Petitioner No. 2 Sanjay Mahto above named on bail at this stage. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order. If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J.)

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