

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4076 of 2016

Arising Out of PS.Case No. -179 Year- 2014 Thana -KHODABANPUR District- BEGUSARAI

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Mithilesh Kumar @ Mithilesh Mahton s/o Ram Bahadur Mahto, R/v
Ghakwa, P.S. Khodabandpur, Distt. Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. R.B.Ray Raman(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 18-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Khodabandpur P.S. Case No. 179 of 2014 registered for the
offences punishable under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, 7-8 persons being armed came and opened
indiscriminate firing upon the husband of the informant causing
his death and the informant identifies the petitioner and 5 other co-
accused fleeing away.

Submission is of false implication and that there is
general and omnibus allegation against the petitioner, there is no
specific allegation, the identification made by the informant
appears not reliable further during investigation no one has seen

the petitioner opening fire upon the deceased and, as such, the petitioner who is suffering in custody since 14.05.2015, deserves sympathetic consideration to which the learned A.P.P. seriously opposes by submitting that prayer of regular bail of co-accused Umesh Mahto and Mukesh Mahton have already been rejected by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, considering the detention of the petitioner, let the trial be expedited and concluded within a period of nine months.

(Jitendra Mohan Sharma, J)

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