

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39361 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MADHWAPUR District- MADHUBANI

Subhash Mahaseth Son of Shambhu Mahaseth Resident of Village -
Pirokhar, P.S- Madhwapur, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Nr. Chaudhary, Adv.
For the State : Mr. Sanjay Kumar Sharma, APP
For the Informant : Mr. Mahendra Prasad, Adv.
Mr. Shankar Kr. Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 19-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Madhwapur P.S. Case No. 28 of 2015 (G.R. No.
1963 of 2015) registered for offences under sections 147, 148,
149, 323, 364 and 504 as well as subsequently added Section 302
of the Indian Penal Code.

An allegation has been made in the First Information
Report that eight persons including the petitioner entered into the
house, kidnapped the brother of the Informant and his body was
found killed.

Learned counsel for the petitioner submits that
similar type of case was also filed four days before by the wife of
the Informant, there also allegation was made that at 10 O'clock in

the night, they tried to demolish the house by J.C.B. and the present case, of identical nature, filed against the petitioner. In the present case, the time has been given at 12 O' clock night and so much so that there is an enmity with the Informant. On that account, the name of the petitioner has been roped in the present case. He has further submitted that there is no eye-witness to the occurrence which shows that it is completely a false case on account of land dispute.

In the dead-night, there cannot be any person except the Informant in his house. So the claim of the petitioner of having no eye-witness of the incident has no substance for consideration and so much so that the enmity cut both ways. Other co-accused persons, namely, Budhan Mandal and Shambhu Masaseth had also moved this Court in Cr. Misc. No. 58176 of 2015 and Cr. Misc. No. 1562 of 2016 respectively and the Court had rejected their bail vide order dated 29.1.2016 and 2.3.2016 respectively.

In that view of the matter, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, namely, Subhash Mahaseth is rejected.

(Shivaji Pandey, J)

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