

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38178 of 2016

Arising Out of PS.Case No. -218 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Gajendra Mahto Son of late Aghanu Mahto Resident of Village- Fatahpur
 PS. Sheohar, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioner and the learned
 A.P.P. for the State.

The petitioner is languishing in custody since
 30.06.2016 in a case registered for the offences punishable under
 Sections 147, 148, 149, 341, 342, 323, 325, 307, 302, 379 and
 120 (B) of the I.P.C.

The prosecution case is that grand son of the informant,
 namely, Md. Shamshad Alam @ Pyare works for the registration
 of Adhar Card and he alongwith his friend Md. Aadil was
 returning from Sitamarhi on 03.10. 2015 after collecting the
 certificate of authorization from International Computer Education
 Mission to his native place- Jamuniya. At 7.00 P.M. the informant



has got information that his grand son and his friend Md. Aadil are admitted to Sadar Hospital, Sheohar and then doctor referred to Muzaffarpur and after C.T. Scan they were referred to Tara Nursing Home, Patna where doctor reported that there is blood clot in the brain of the injured persons for which operation is required. Thereafter, Md. Aadil was referred to AIMS, Delhi for operation but in the way to Delhi Md. Aadil succumbed to the injury and the grand son of the informant Md. Samsad Aalam was admitted in I.C.U. in Tara Nursing Home. He has further stated that the deceased Md. Aadil was buried without Postmortem as accident and after some time he was informed by his co-villager Md. Ajhar Alam that at the time of occurrence, he was returning from Sheohar to his native village Jamuniya and saw the occurrence. He also informed that Rangilal Sah, Sanjay Sah, Safiullah Khan, Khatnullah Khan assaulted both the boys.

It has been submitted by the learned counsel for the petitioner is that he has been falsely implicated in the aforesaid offence. In fact the informant's grand son Md. Samsad Aalam @ Pyare and Md. Aadil met with an accident while coming on the motorcycle and that the petitioner is an old man and it is not possible for him to chase the informant's grand son and his friend. It has also been submitted that the petitioner has clean

antecedent.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that in paras-4, 12 and 15 of the case diary, witnesses have supported the involvement of the petitioner and the petitioner in his own confessional statement has stated that he got injured and para-89 of the case diary has also stated that he was present at the place of occurrence although, his hand was crushed from the motorcycle of the petitioner.

From perusal of the case diary as well as submissions of both parties, I am not inclined to grant the privilege of bail at this stage in connection with Sheohar P.S.Case No. 218 of 2015 pending in the court of learned Chief Judicial Magistrate, Sheohar.

However, the petitioner may renew his prayer for bail after three months.

(Nilu Agrawal, J)

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