

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28948 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -GARHPURA District- BEGUSARAI

=====

Mahesh Mahto @ Mahesh Kumar Son of Late Bangali Mahto, Resident of
Village- Pidhauna, Police Station- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-08-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Section 302 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that son of the informant had gone to
attend the call of nature with his friend, namely, Jitendra Kumar.
Subsequently, his friend gave information that someone had fired
upon him. When informant's son was brought to hospital, doctor
declared him dead.

It has been submitted on behalf of the petitioner that he is
in custody since 17.2.2016. Chargesheet has been submitted
against the petitioner. No allegation of tampering of witnesses is
alleged against the petitioner. Petitioner is not named in the F.I.R.
His name has come in course of investigation.

On behalf of the State, it is submitted that petitioner's
name has come in course of investigation. As per F.I.R., Jitendra
Kumar had accompanied the deceased to attend the call of nature.
Subsequently, the deceased did not come and it was informed that
someone had killed the deceased. Jitendra Kumar has been
examined in para-8 of the case diary. He has claimed to be an eye

witness to the occurrence and has alleged that it is the petitioner who had fired upon the deceased causing his death. It is further narrated by him that he had gone to meet Priti Kumari along with the deceased. There was love affair between Jitendra Kumar and Priti Kumari, which was not liked by the petitioner. Hence, he committed the alleged offence. Priti Kumari has also been examined at para-40 of the case diary and a similar allegation has been made against the petitioner, who happens to be her mausa.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

The learned court below at Begusarai is directed to take all necessary steps to expedite the trial in connection with Garhpura P. S. Case no. 62 of 2015.

(Sudhir Singh, J)

sudip/-

U		T	
---	--	---	--