

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50055 of 2016

Arising Out of PS.Case No. -77 Year- 2014 Thana -KORMA District- SEKHPURA

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Kunal Mahto S/o Ramnandan Mahto aged 35 years R/o Baughat, P.S.
Korma, District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocatge

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.03.2016 in connection with Sessions Trial No.67 of 2016
arising out of Korma P.S. Case No. 77 of 2014 pending in the
Court of learned Sessions Judge, Sheikhpura registered for the
offence punishable under Sections 302, 307, 324 and 120(B)/34
of the Indian Penal Code. Later on charges have been framed
under Sections 302/34, 307/34, 324, 302/120(B) of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that due to family dispute the petitioner claimed partition with the
deceased, who was his own brother and on sudden heat of the



moment he along with other accused persons took out dagger and hit the deceased-husband of the informant to which he succumbed.

It has been submitted by the learned counsel for the petitioner that the petitioner is the own brother of the deceased and there is no criminal history. He further submits that charge-sheet has already been submitted and trial is going on and he is ready to cooperate with the trial.

However, learned A.P.P. for the State submits that all the witnesses have supported the prosecution case and there is specific allegation against the petitioner, hence, opposes the prayer for bail.

Considering the facts and circumstances and the submissions of the parties, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected.

Let the trial be concluded expeditiously.

(Nilu Agrawal, J.)

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