

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32089 of 2016

Arising Out of PS.Case No. -495 Year- 2014 Thana -KANTI District- MUZAFFARPUR

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Ram Sewak Mahto, Son of Deeplal Mahto, resident of Village- Bakatpur,
P.S. Kanti, District- Muzaffarpur.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar, Advocate.

For the State : Mr. Dashrath Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 19-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No.391 of 2015, arising out of Kanti P.S. Case No.495 of
2014/G.R. No.2813 of 2014 registered under Sections 302/34 of
the Indian Penal Code, pending in the court of the Sessions Judge,
Muzaffarpur.

The accusation is that Pramila Devi, the wife of the
informant Uma Kant Mahto, was sitting on 30.09.2014 at about
09.00 P.M., at the door of Yogendra Mahto. At that time, this
petitioner alongwith the co-accused Sanjay Mahto reached there
and made protest about draining out of the water and, thereafter,

this petitioner shot fire causing injury at the thigh of Pramila Devi, the wife of the informant, who died, later on, in course of treatment at S.K.M.C.H.

Learned counsel appearing on behalf of the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 05.10.2015 passed in Criminal Misc. No.23513 of 2015 by this Court. Further submission is that it would appear from the F.I.R. that the informant is not an eye witness to the occurrence and the petitioner has falsely been implicated in this case due to dirty village politics. The petitioner is in custody since 23.12.2014.

On the other hand, learned A.P.P. appearing for the State, while opposing the renewal of prayer for bail of the petitioner, submitted that according to the F.I.R., the occurrence took place at the door of Yogendra Mahto and Maya Devi, the wife of Yogendra Mahto, and one Shanti Devi, vide paragraphs-5 and 6 of the case diary respectively, have supported the prosecution case about making firing by this petitioner at Pramila Devi, the wife of the informant, causing injury on her thigh, who, later on, died in course of treatment.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I find no

reason to reconsider the prayer for bail of the petitioner.
Accordingly, the prayer of the petitioner for grant of bail is again
rejected.

(Rajendra Kumar Mishra, J)

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