

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9233 of 2017

Arising Out of PS.Case No. -181 Year- 2016 Thana -KHAIRA District- SARAN

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Krishna Mahto, S/o Marai Mahto, resident of Village Makashush pur, P.S.-
Khaira, Distt- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Khaira P.S. Case No. 181
of 2016 instituted for the offence under Sections 342, 323, 302/34
of the Indian Penal Code.

There is allegation against this petitioner that he
along with other accused as named in the written report forcibly
took the younger brother of the informant from the Bathan after
putting cloth in his mouth. The informant made protest then he
was pushed down on account of which he sustained injury in his
right hand.

It is further alleged that the informant with other
family members reached near the house of Marai Mahto and saw
in the torch light that Chun-chun Devi and Priti Kumari have



caught hold the brother of the informant by tying rope in his leg and other accused persons pulled the rope after putting the same around the neck of brother of the informant and brother of the informant died. The petitioner was speaking that Nagendra (since deceased) should not be spared. The bleeding took place from nose and mouth of brother of the informant.

Case diary has been received.

From perusal of para 7,8,15 and 16 of the C.D., it appears that death was caused on account of asphyxia due to strangulation.

In this manner, post-mortem report supports specific allegation against this petitioner.

Under such circumstances, this court is not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner is rejected at this stage.

(Sanjay Priya, J)

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