

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31925 of 2017

Arising Out of PS.Case No. -216 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Bhutta Mahto @ Naresh Mahto Son of Late Singheshwar Mahto, R/o
Village- Ismilepur, P.S.- Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.02.2017 in connection with Hajipur Sadar P.S. Case No.
216/2016 for offences punishable under Sections 302/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with another co-accused entered the house
on 07.06.2016 and gave elbow blow on the chest of the
informant's husband. Thereafter he was taken for treatment and
succumbed on 17.06.2016.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there is no eye-witness to the alleged occurrence, First Information Report has been lodged after 11 days of the alleged occurrence and the doctor in the post mortem report has not opined of any external injury or cause of death but internal bleeding has been found. He submits that no such occurrence alleged has taken place and the petitioner has been falsely implicated being on inimical terms with the informant's side.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Hajipur Sadar P.S. Case No. 216/2016, pending in the court of learned Chief Judicial Magistrate Vaishali at Hajipur.

Application is, accordingly, rejected. However, petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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