

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27638 of 2016

Arising Out of PS.Case No. -22 Year- 2013 Thana -KAHAIYA District- MUZAFFARPUR

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Sipahi Mahto, Son of Darshan Mahto, Resident of village Saghanpura,
Police Sation- Kathaiya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

4 23-03-2017 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.228 of 2014, arising out of Kathaiya P.S. Case No.22 of
2013, registered under Sections 147, 148, 149, 341, 323, 324, 379,
302 and 120(B) of the Indian Penal Code, pending in the court of
the 4th Additional Sessions Judge, (West), Muzaffarpur.

The accusation is that Ajit Kumar alias Raja Babu, son
of the informant Ram Nath Pandey, alongwith Nitesh Kumar went
to sugarcane field to keep watch in the evening of 26.03.2013 at
about 07.00 P.M. Then the petitioner alongwith Sunil Mahto
started cutting the sugarcane. When Ajit Kumar alias Raja Babu,



the son of the informant, made protest, then scuffle took place in between them. At that time, this petitioner gave knife blow causing injury at the stomach of Ajit Kumar alias Raja Babu, the son of the informant. On hulla, the informant rushed there, then Nitesh Kumar and his son Ajit Kumar alias Raja Babu stated about the incident to him. While the informant tried to catch hold of the petitioner but he started to cause assault through knife causing injury on the right hand of the informant and Nitesh Kumar also sustained injury on his left chest. On seeing the gathering of the villagers, both fled away. While the informant took to his son Ajit Kumar alias Raja Babu in an injured condition to Prashant Hospital, Muzaffarpur but he was not admitted there by the doctor. Thereafter, the informant took his son Ajit Kumar alias Raja Babu to Janki Hospital, where the doctor informed him that he was brought dead.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is the co-villager of the informant and due to grudge and enmity, the petitioner has falsely been implicated in this case with the allegation of causing injury through knife to the deceased Ajit Kumar alias Raja Babu, the son of the informant, while the petitioner was on duty on the alleged date of occurrence at Delhi. The petitioner having no criminal



antecedent is in custody since 02.04.2016.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner to grant him bail and submits that Nitesh Kumar, in his statement, as detailed in paragraph-36 of the case diary, has supported the prosecution case and in the post-mortem examination of the deceased Ajit Kumar alias Raja Babu, the son of the informant, one injury was found on his stomach, which is said to be caused by sharp pointed weapon.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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