

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26285 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Bharat Mahto Son of Bhola Mahto, Resident of Village- Bibiganj, Post -
Bampali, Police Station- Udwant Nagar, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma & Anil Kumar
Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.08.2016 in connection with Udwant Nagar (Gajrajganj) P.S.
Case No. 189 of 2016 for offences punishable under Sections 302,
and 34 of the Indian Penal Code and 27 of Arms Act.

The prosecution case, as lodged by the informant is that
while he was going to attend marriage, the petitioner along with
two other co-accused persons armed with country made pistol,
came there and shot at the son of the informant. The other co-
accused hit the son of the informant on the head and hand on
which he succumbed to the injury.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case due to enmity and land dispute between the parties. It is further submitted that FIR was lodged on 27.04.2016 at 19.30 P.M. but the post-mortem was done at 1.15 P.M. which creates doubt on the prosecution story. It is further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP vehemently, opposes the prayer for bail, stating therein that as three injuries have been found and the informant was an eye witness to the alleged occurrence and post-mortem report specifies that death occurred due to firearm injury on the head and the chest, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, I am not inclined to enlarge the petitioner on bail and accordingly the prayer for bail of the petitioner stands rejected at this stage.

(Nilu Agrawal, J)

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