

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30842 of 2018**

Arising Out of PS.Case No. -47 Year- 2017 Thana -KANGALI District-  
WESTCHAMPARAN(BETTIAH)

Santosh Mahto son of Late Devilal Mahto, resident of village- Sabaithwa,  
P.S.- Kangali, District- West Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Mustaque Alam

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      06-07-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner, who is in custody since 08.10.2017, seeks bail in connection with Kangali P.S. Case No. 47 of 2017 registered for the offences punishable under sections 341, 323, 325, 307/34 of the Indian Penal Code (later on section 302 IPC was added).

The allegation, as per FIR, is that this petitioner and two others assaulted the victim by iron rod and lathi causing injury on his head on 30.07.2017 and in course of treatment, he died. In post mortem report, the doctor has reported four injuries on the person of the deceased. He further reported frontal, parietal and temporal bone of



skull fractured. The cause of death has been reported to be shock and hemorrhage caused by head injury.

The allegation of assault by this petitioner by lathi on the deceased finds support from the statement of witnesses recorded at paragraphs 7, 8 and 9 of the case diary.

Considering the specific allegation of assault by this petitioner on the head of the deceased resulting the death of victim, I am not inclined to grant him bail, His bail prayer stands rejected.

**(Sanjay Kumar, J)**

Mahesh/-

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