

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72978 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- SIKANDRA District- Jamui

Binod Mahto, son of Nand Kishor Mahto, r/o village Bichhwe, P.S. Sikandra,
Distt. Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Rakesh, Advocate.
For the informant	:	Mr. Mahesh Prasad, Advocate.
For the Opposite Party/s	:	Smt. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner seeks bail in Sikandra P.S. Case No.
152 of 2018 instituted for the offence under Sections 147, 148,
149, 302, 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

It is alleged in the written report that co-accused
Krishnadeo Ravidas assaulted with iron rod on left *kanpatti* of
Balmiki Yadav, on account of which, he and Dharmendra
Yadav who was seated in the Motorcycle fell down. Thereafter,
on the order of Suresh Mahto, Vinod Mahto fired from his
country made pistol on right Kanpatti of Balmiki Yadav and he
died on the spot. Awdhesh Yadav fired shot from his country



made pistol on Dharmendra Yadav which hit in his *Panjra* and he also died on spot.

Case diary has been received. All the witnesses in the case diary have supported the case and alleged that petitioner fired shot on Balmiki Yadav, on account of which, he died on spot. The counsel for the petitioner has submitted that Doctor in the post mortem report has not found any firearm injury.

Counsel for the informant has appeared and submitted that he has filed criminal case against the Doctor for giving such wrong report.

This Court from allegation in the Fard-e-beyan as well as statement of witnesses finds specific allegation against the petitioner of causing firearm injury to Balmiki Yadav, on account of which, he died on the spot.

Therefore, this Court is not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner stands rejected at this stage.

The Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of



receipt of this order.

The petitioner will be at liberty to renew the prayer
for bail in the event the trial is not concluded within aforesaid
period.

S.Ali/-

(Sanjay Priya, J)

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