

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73573 of 2018

Arising Out of PS. Case No.-69 Year-2017 Thana- DHANGAI District- Bhojpur

Janardan Mahto Son of Jamuna Mahto, Resident of Village- Udiyan, Tola
Kamariaon, P.S.- Tiyaar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharnidhar Mishra

For the Opposite Party/s : Mr.Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 01-05-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

The present case is a second attempt on behalf of the
petitioner for grant of regular bail in connection with Dhangai
PS case no. 69 of 2017 registered for the offences punishable
under Sections 302/34 of Indian Penal Code and Section 27 of
Arms Act.

The allegation is regarding the accused persons
having intercepted the informant and the deceased and
thereafter, the petitioner is said to have fired resulting in the
death of the deceased.

This Court, while rejecting the prayer of bail of the
petitioner herein vide order dated 29.06.2018 passed in
Cr. Misc. no. 21737 of 2018, had, upon perusal of the case diary



and the case records, had concluded that there is specific allegation against the petitioner herein of having assaulted the deceased by gun shot firing resulting in his death.

The learned counsel for the petitioner has submitted that another co-accused person namely Naumi Paswan has been granted privilege of regular bail vide order dated 09.03.2018 passed in Cr. Misc. no. 8485 of 2018.

I have heard the learned counsel for the petitioner, who could not point out any change in the circumstances from the time, the petition of the petitioner seeking grant of regular bail was dismissed by this Court vide order dated 29.06.2018 passed in Cr. Misc. no. 21737 of 2018, till date. This Court further finds that a serious allegation has been levelled against the petitioner herein of having inflicted gun shot injuries on the deceased and even the police has found the case to be *prima facie* true as against the petitioner herein. The grant of bail to the co-accused person by a co-ordinate Bench of this Court cannot be regarded as a change in the factual circumstances of the case and moreover, this Court is not aware as to what had transpired during the course of hearing of the said bail petition, hence the same cannot be regarded to be a valid consideration, as far as the present case is concerned, inasmuch as the earlier attempt



for grant of regular bail on behalf of the petitioner has already stood negated.

Having considered the gravity of the offence alleged to have been committed by the petitioner herein as also the fact that there is no change in the circumstances, this Court does not find any occasion to entertain the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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