

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29405 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- MADHAURAH District- Saran

BALESHWAR MAHTO S/o Late Shivnath Mahto R/o village- Karnpura,
P.S.- Marhowrah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Marhowrah P.S. Case No.
224/18 (Sessions Trial No. 776/18) instituted for the offences
under Sections 302, 34 of the Indian Penal Code.

The prosecution case in short is that the accused
persons assaulted the son of the informant due to which he
sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 11.8.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been
implicated in the present case. There is no eye witness to the



alleged occurrence nor there is any circumstantial evidence to show that the petitioner has committed the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The deceased had gone to his in-laws house. The petitioner is brother-in-law of the deceased. The dead body is said to have been recovered from the said house. As such, the onus is on the petitioner to explain the cause of death of the deceased as per section 106 of the Evidence Act. The post-mortem report indicates that the death is due to strangulation.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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