

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16745 of 2020

Arising Out of PS. Case No.-154 Year-2016 Thana- EKMA District- Saran

JITENDRA KUMAR MAHTO @ JITENDRA MAHTO Son of Ganesh
Mahto Resident of Village - Ekma, Noniya Toli, P.S.- Ekma @ Ekam, District
- Saran at Chapra. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-10-2020 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in Sessions
Trial No.107 of 2017, arising out of Ekma P.S. Case No. 154 of
2016 registered for the offences punishable under Section
302/34 of the Indian Penal Code pending in the Court of
learned Additional Sessions Judge-XI, Saran at Chapra.

While the son of the informant was returning to his
home after finishing his job and when he reached near the
house of co-accused Saral Mahto, then the petitioner in
association of other co-accused is said to have tied his legs and
hands. They assaulted him with lathi, iron rod and bricks and
lastly the son of the informant died. The reason behind the
occurrence is said to be that the deceased was in courtship with
the daughter of Saral Mahto.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. It is further submitted that the prosecution has examined five witnesses and except P.W.2 none has stated anything against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eye witness of the occurrence.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner in association of other co-accused has committed a heinous crime and involved in committing murder of the deceased. The witnesses have also supported the case of the prosecution. Para-59 of the case diary and the supervision note of the Deputy Superintendent of Police also shows the involvement of the petitioner, hence he does not deserve any sympathy of this Hon'ble Court.

Considering the facts and circumstances of case and particularly considering the nature and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before



the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law on the same very day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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