

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13164 of 2020

Arising Out of PS. Case No.-404 Year-2018 Thana- BARARI District- Katihar

UPENDRA MAHTO S/o Late Mahendra Mahto R/o village- Gobrahi Diyara,
04 No. Bind Toli, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Arun Kr. Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Barari PS case no. 404 of 2018 instituted for the offences punishable under Sections 302, 201/34 of Indian Penal Code and 27 of Arms Act.

The accusation against the accused persons including the petitioner herein is regarding them having arrived at the place of occurrence and having fired upon the brother of the informant resulting in his instantaneous death on the spot, whereafter the accused persons had thrown the dead body of the deceased near the river Ganges.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is an accused in only one other case. It is further submitted that some co-accused persons have already been granted the privilege of bail by the co-ordinate Benches of this Court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available in the case diary, it is apparent that a *prima facie* case is definitely made out, which has duly been supported by the witnesses examined during the course of investigation and infact, the post mortem report also shows that the cause of death is on account of firearm injury. This Court further finds that the case of the co-accused persons who have been granted bail by a co-ordinate Bench of this Court is distinguishable from the case of the petitioner herein. Thus, this Court finds that there is no merit in the present case, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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