

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63695 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- MEHANDIGANJ District- Patna

SURAJ KEWAT Son of Dharmendra Kewat Resident of Mittha Kuan, Police
Station- Mehandiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for the informant.

The petitioner seeks bail in Mehendi Ganj P.S. Case
No.74 of 2019 registered under Sections 341, 323, 326, 504,
307 and 34 of the Indian Penal Code. Later on, Section 302
I.P.C. was added.

The informant is the mother of the deceased. The
informant alleged that on 03.05.2019 at about 10.30 in the night,
when she along with her son(Ranjan Mahto) and her
daughter(Arti Kumari) were returning to her house after closing
the shop and when they reached near the house of Raju Sah,
Suraj Kewat, Dharmendra Kewat and Rinku Devi(mother of
Suraj Kewat) stopped the scooti and they said that they would
assault them as the informant earlier assaulted them. On the



order of Rinku Devi, Suraj Kewat indiscriminately gave dagger blows on different parts of the body of Ranjan Mahto. The informant brought her son to N.M.C.H. with the help of villagers but her son was referred to P.M.C.H. for better treatment. During the course of treatment, her son succumbed to the injury.

The learned counsel for the petitioner submits that prior to institution of the present case, Mehendi Ganj P.S. Case No.79 of 2018 was registered against Sanjay Mahto, Ranjan Mahto(the deceased), the wife of Sanjay Mahto and others who assaulted the petitioner. It is further submitted that occurrence took place on 10.30 in the night on 03.05.2019 but the F.I.R. was lodged on 04.05.2019 at 11.30 in the morning. It is further submitted that in para 6 of the case diary, the investigating officer recorded the statement of Raju Sah, in front of whose house, the occurrence took place but Raju Sah did not disclose the name of the petitioner as the assailant of the deceased. The father of the deceased made statement in para 44 of the case diary and he disclosed that on the date of occurrence, he along with his son was returning after closing the shop and this fact shows that the mother of the deceased is not an eye witness of the occurrence. Thus, the petitioner deserves bail.



Learned A.P.P. as well as learned counsel for the informant however vehemently opposed the prayer for bail and submitted that from bare perusal of the F.I.R. itself, it would appear that the informant is the mother of the deceased but the police officer named that Sanjay Mahto is the informant of the case. It was the police who casually recorded the statement of the witnesses. Raju Sah in para 6 of the case diary also supported the fact that in front of his house, Ranjan Mahto was found injured and his intestine had come out of abdomen but her mother and others took her to hospital. It is further submitted that it was the petitioner who indiscriminately gave repeated blows on different parts of the body of the deceased with dagger and the post-mortem report supports the version of the informant.

It appears from perusal of the F.I.R. and the case diary that the informant, who is the mother of the deceased, made specific allegation that on the order of Rinku Devi, Suraj Kewat(the petitioner) indiscriminately assaulted her son, Ranjan Mahto with dagger and her son fell down on the ground. During the course of investigation also, the witnesses reiterated the fact. Raju Sah, in front of whose house the occurrence took place, stated that after hearing the sound of cry he saw Ranjan Mahto



was lying on the ground and by that time assailant had fled away. From perusal of post-mortem report, it appears that deceased got many stabbed wounds on different parts of his body.

Taking into consideration the facts aforesaid and the fact that it was petitioner who is alleged to have inflicted many blows on different parts of the body of the deceased causing his death, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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