

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74888 of 2019

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

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KARIMAN MAHTO, Son of Bindeshwari Mahto, Resident of Village -
Gobarahi, P.S.- Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 04-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsels for the petitioner, informant and learned APP for the State.

The petitioner is languishing in custody since 03.01.2019 in a case registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of fardbeyan of Ashrafi Mahto recorded by Naresh Kumar, S.I.-



cum-S.H.O., Barari Police Station on 12.10.2018 at 5.45 P.M. is to the effect that on 12.10.2018 at 4.00 P.M., the informant was tiding his boat near the embankment of a river when his brother, Sipahi Mahto and his neighbour, Aditya Chaudhary came on the embankment of the river. In the meantime, co-accused, Upendra Mahto, Kanaklal Mahto and the petitioner, Kariman Mahto shot at the brother of the informant. As a result, he died on the spot. Thereafter, co-accused, Kanaklal Mahto fired on Aditya Chaudhary, but he jumped into the river and thereafter, co-accused, Sita Ram Mahto restrained the informant to intervene. In the meantime, the petitioner asked the informant not to lodge any case. It is alleged that co-accused, Vijay Mahto, Nago Mahto and Sitaram Mahto dragged the dead body of the brother of the informant near embankment of river for throwing in the river.

It is submitted by learned counsel for the petitioner that there is accusation of firing on the brother of the informant, Sipahi Mahto by three persons, including the petitioner, but the postmortem report reflects one injury of entry on the chest and the other injury is wound of exit on the back. The investigation has already been concluded. Moreover, co-accused, Vijay Mahto has been granted bail by a Co-



ordinate bench of this Court vide order dated 23.08.2019, passed in Criminal Miscellaneous No.52917 of 2019. It is further submitted that apart from the present case, the petitioner is accused in three other cases, but in those cases, he has been granted bail.

Learned counsel for the informant submits that there is specific accusation against the petitioner that the petitioner along with other co-accused persons shot at the brother of the informant, as a result he died. Such accusation has been supported by another eye witness, Aditya Chaudhary and the petitioner has criminal antecedent.

Learned APP also supports the contention of learned counsel for the informant.

Considering nature of accusation and in view of the fact that the petitioner has serious criminal antecedent, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with S. T. No. 144 of 2019, arising out of Barari P.S. Case No.404 of 2018, pending before the learned Sessions Judge, Katihar is rejected.

However, it is expected from the learned trial Court to



expedite the trial. The petitioner is at liberty to renew his prayer
for bail after examination of the informant during trial.

(Dinesh Kumar Singh, J)

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