

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31728 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- VIDYAPATINAGAR District- Samastipur

Deepak Mahto @ Deepak Kumar Mahto Son of Vinod Mahto Resident of
Village - Sherpur, P.S. - Vidyapatnagar, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 05-10-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Vidyapatnagar Police Station Case No. 54 of 2020 registered for the offences punishable under sections 307, 323, 34, 341/504 of the IPC to which section 302 of the IPC was added later on.

As per the prosecution case, petitioner assaulted the informant's husband with iron fighter on his head. Other accused persons also assaulted the victim. However, victim died during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case as no such occurrence took place. He further submits that sections 302/307 are not applicable in the case as no sharp cut weapon was used by the accused persons. Petitioner is in custody since 28.8.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner that he assaulted the victim with iron fighter on his



head as a result of which he sustained injures and died later on during treatment.

Considering the nature and gravity of allegation, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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