

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42828 of 2021

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

Upendra Mahto Son of - Late Mahendra Mahto Resident of 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, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2021 Heard the learned counsel for the petitioner, Sri
Ashok Kumar Yadav and the learned APP for the State,
Ms. Anita Kumari Singh.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Barari PS case no. 404 of 2018, registered under Sections 302, 201/34 of Indian Penal Code and 27 of Arms Act, inasmuch as the earlier petition filed by the petitioner for grant of bail was dismissed by this Court vide order dated 23.09.2020, passed in Cr. Misc. no. 13164 of 2020.

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 languishing in custody since 21.10.2019, however, the trial is not progressing, hence, some sympathy may be shown towards this petitioner.

Per contra, the learned APP 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 on record as also considering the earlier order passed by this Court, rejecting the prayer of the petitioner for grant of bail i.e. the one dated 23.09.2020, this Court finds that a *prima facie* case is definitely made out against the petitioner for the offences alleged and moreover, there is no change in circumstance, from the day the prayer of the petitioner for grant of bail was rejected i.e. on 23.09.2020, till date so as to warrant re-consideration of the prayer of the petitioner for grant of bail, hence, I do not find merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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