

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27021 of 2022

Arising Out of PS. Case No.-152 Year-2018 Thana- ISUAPUR District- Saran

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ARJUN KUMAR MAHTO @ ARJUN MAHTO S/o Ambika Mahto R/o
village- Bela, P.S.- Isuapur, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhen Sarkar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-09-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered u/s 147, 148, 149, 323, 324,
379, 307, 302 and 504 of the Indian Penal Code.

As per the prosecution case, the informant was going
to Islampur market along with his cousin brother on his
motorcycle. On way to Islampur, the co-accused Teras Mahto
assaulted the informant's cousin brother with farsa. The
petitioner also assaulted the informant's cousin brother with a



farsa on his head due to which he became unconscious and fell down and then both the informant and his cousin brother were taken to hospital for treatment, where the informant's cousin brother Mantosh Kumar Singh succumbed to the injuries.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated in para 3 of the bail petition. It is further submitted that the co-accused Teras Mahto has already been granted bail by a Co-ordinate Bench vide order dated 25.02.2019 passed in Cr. Misc. No. 79630/2018. The petitioner is in custody since 30.09.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of inflicting a blow of farsa on the head of the informant's cousin brother Mantosh Kumar Singh and due to which he succumbed to the injuries. It is further submitted that the case of the petitioner is not on similar footing to that of the co-accused Teras Mahto who has been granted bail by the Co-ordinate Bench. It is further submitted that the anticipatory bail petition of this petitioner has already been rejected by the Hon'ble High Court vide order dated 23.01.2020 passed in Cr. Misc. No. 4302 of 2020.



Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

Learned trial Court is directed to expedite the trial and conclude the same at the earliest.

The bail application is rejected.

(Chandra Prakash Singh, J)

shobhakri/-

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