

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44928 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- MAJORGANJ District- Sitamarhi

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Ajay Kumar Son of Mr. Nageshwar Mahto Resident of Village - Laldasi, P.S.-
Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2022 Heard learned counsel for the petitioner as well as

learned counsel for the Informant and learned Additional Public

Prosecutor for the State.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Majorganj P.S.

Case No. 175 of 2020 registered for the offences punishable

under Sections 341, 323, 302, 354, 504, 34 of the Indian Penal

Code.

According to prosecution case, as per F.I.R.

Nageshwar Mahto put the pieces of sugarcane on his field and

alleged that the same was cut by the informant's minor daughter

Nilam Kumari and started abusing her. On objection by her he



dragged her by her hair on the ground and also pressed her neck. The villagers informed the informant and she reached at the place of occurrence and took her daughter for the treatment and also informed her husband. When the informant's husband went to the accused house to complaint about the alleged act, the said co-accused Bindeshwar Mahto and Maheshwar Mahto took him inside the area of the house of Nageshwar Mahto covered by Bamboo sticks and handed over him to the Nageshwar Mahto and locking him there started guarding outside. Thereafter, the co-accused Nagina Devi assaulted the informant's husband repeatedly with an iron rod on his head while the Nageshwar Mahto assaulted him with a Dabiya. Co-accused Kajal Kumari and Ajay Kumar also assaulted him with iron rod and a pin pointed iron weapon while another co-accused Ashu Kumari assaulted him with a lathi. Thereafter, the informant was taken to the Majorganj for the treatment from where he was referred to Sitamarhi Sadar Hospital and there he was declared dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the



police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.02.2021.

The learned counsel for the Informant as well as learned counsel for the Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that there is sufficient material has come during the investigation against the petitioner and in the F.I.R. also there is direct allegation of assault against the petitioner and learned counsel for the informant further submits that para 9, 10 and 11 of the case diary independent witnesses have also supported the case of the prosecution.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioner and accordingly, the same is rejected.

(Rajesh Kumar Verma, J)

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