

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38945 of 2022**

Arising Out of PS. Case No.-265 Year-2021 Thana- RAMGARHWA District- East  
Champaran

RAJESH MAHTO S/o Lalbachan Mahto R/o village- Belwa Piparpati, P.S.-  
Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar, Advo

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      30-09-2022                      Heard learned counsel for the petitioner and the learned  
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the  
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with  
Ramgarhwa P.S. Case No.265 of 2021 instituted under Sections  
302/34 of the IPC.

As per the FIR, the husband of the informant received a  
call for receiving payment in the shop but upon reaching found  
accused persons with daggers in their hands who started assaulting  
him thus seriously injured whereafter they fled away. The husband  
subsequently succumbed to injuries. The reason behind the incident  
was that Rajesh Mahto had taken loan of Rs.25,000/- but failed to  
return and on demand the present incident happened.

Learned counsel for the petitioner submits that there is



omnibus allegation against all the accused persons including the petitioner herein and as such he cannot be made an accused that has come in the allegation of the deceased wife.

Per contra learned APP Mr. Jitendra Kumar Singh took this court to the observations made by the learned Sessions Judge while rejecting the prayer of the petitioner which has not been refuted by the petitioner's counsel. According to it the petitioner herein had borrowed Rs.25,000/- from the deceased a year ago and on the false pretext of returning the same, he was called and further the learned Sessions Judge recorded in different paragraphs of the case diary according to which the petitioner gave dagger blow and upon his confession the said dagger was recovered and has been recorded in para-9 of the case diary. He has further recorded in para-24 of the postmortem report according to which the heart of the deceased was damaged by sharp instrument which could be a dagger.

Considering the allegation that has come against the petitioner as narrated above, this Court is not inclined to grant him privilege of bail which is accordingly dismissed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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