

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56363 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- MAJORGANJ District- Sitamarhi

SUBHASH MAHTO @ SUBHASH MAHATO S/o Raj Kishore Mahto @
Raj Kishore Mahato R/o Village- Hirolwa, P.S.- Mejorganj, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dinesh Jha, Adv.
For the Opposite Party/s :	Mr. Parmanand Kumar, APP
	Mr. Alok Kumar Alok, Adv.
	Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code.

As per the prosecution case, the petitioner and one another are said to have assaulted the father-in-law of the informant with an iron rod on his arms.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for oblique reasons. In any case, the allegation is of assaulting on arms which is not the cause of death as per the post-mortem report. Neither any blood nor any sign of scuffle was found at



the alleged place of occurrence. The inquest does not support the prosecution case. It was a case of motorcycle accident. The petitioner is in custody since 12.7.2021 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioner and Raja Mahto of having assaulted the father-in-law of the informant with an iron rod. The post-mortem report supports the allegation and the cause of death is said to be haemorrhage and shock leading to Cardio Respiratory failure as a result of the five injuries caused by hard and blunt sharp object.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the F.I.R. together with the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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