

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57566 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- HASANPUR District- Samastipur

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Ram Kumar Mahto, S/O Shri Sita Ram Mahto, R/o village- Birpur, P.S.-
Hasanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhanendra Chaubey, Advocate
		Mr. Shivaji Singh, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hasanpur P.S. Case No. 254 of 2020, G.R. No. 1087 of 2020 registered for the alleged offences under Sections 147, 323, 324, 341, 379, 448, 307, 351, 501, 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

The prosecution case is that in the background of some land dispute, the petitioner and other co-accused persons



assaulted the informant and her family members. The specific allegation against the petitioner is that of outraging the modesty of the informant and hitting the husband of the informant with an iron rod on his head causing his death during treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and no case under Section 302 of the Indian Penal Code is made out in the facts and circumstances. Persons from both side suffered injuries in a scuffle and there was no intention to cause death of any person. At best, it could be an offence under Section 304 I.P.C. Moreover, co-accused Moti Mahto is also alleged to have hit on the head of the deceased, so the petitioner is not the only person to cause injury on the head of the deceased. The co-accused, namely, Sunil Kumar and Laxman Mahto have been granted bail by a coordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No.55917 of 2021 and the petitioner is in custody since 12.03.2021.

Learned APP opposes the prayer for bail submitting that the petitioner caused the death of husband of the informant by giving blow on his head.

Perused the records.

Having regard to the fact that there is specific



allegation against this petitioner for hitting the husband of the informant on his head and the husband of the informant succumbed to the injury during the course of treatment and post-mortem report supporting the cause of death to be haemorrhage injury on head, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned court below is directed to expedite the trial and conclude the same preferably within a period of six months.

If the trial is not concluded within a period of six months, then the petitioner is at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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