

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67315 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- LAUKAHA District- Madhubani

Manoj Kumar Mahto @ Manoj Kumar Bharti S/o Ram Bilas Mahto Resident
of Village- Kamalpur, P.S.- Laukaha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Laukaha
P.S. Case No. 67 of 2021 registered for the offence under
Sections 341, 323, 324, 307, 379, 504, and 34 of the Indian
Penal Code and later on Section 302 of Indian Penal Code has
been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.03.2021.

The allegation against the petitioner is to assault the
informant/injured with farsa alongwith other co-accused
persons, with intention to cause death and the informant/injured



died due to said injury.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is founded over land dispute between the parties. It is submitted that occurrence was, in fact, a free fight, founded over the land dispute, between the parties, for which prior case bearing Laukaha P.S. Case No. 66 of 2021 was lodged, where petitioner also received injury and was hospitalized, as such, allegation of assault is appearing false. It is submitted that assault is not repeated, which negate the intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the allegation of giving fatal assault to the deceased is specific against the petitioner. It is further submitted that the injuries found upon the head of the informant/injured/deceased is in full corroboration with the manner of assault, as alleged in F.I.R., qua post mortem report.

Considering the facts and circumstances as mentioned



above, as there is specific allegation to give fatal blow is against the petitioner, having knowledge that such fatal assault may cause the death of the informant, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith, with liberty to the petitioner to renew his prayer of bail after six months, if the trial is not concluded within the stipulated period of time.

Superintendent of Police, Madhubani is directed to produce chargesheeted witnesses, as and when required by the Trial Court, for expeditious disposal of the trial.

(Chandra Shekhar Jha, J)

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