

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67466 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- PATEPUR District- Vaishali

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Rajesh Mahto, S/o Baleshwer Mahto, R/o village- Tajpur Bujurge, P.S.-
Mahua, District- Vaishali Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 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 Patepur P.S. Case No. 59 of 2021 registered for the alleged offences under Section 302 of the Indian Penal Code.

As per prosecution case, the informant had three sons from her two marriages. Two of her sons are out of the wedlock with the petitioner. The allegation against the petitioner is that he administered rat poison to his stepson by giving him *litti* to eat which was laced with the poison.

The learned counsel for the petitioner submits that the prosecution case against the petitioner is false and concocted. In fact the informant herself tried to administer poison to all her three



sons in anger. Two of her sons did not eat the poisonous *litti* whereas she forced her third son to eat the *litti* and he died. The statement of her elder son was recorded under Section 164 Cr.P.C. wherein her son has named her as the person who administered poison to his stepbrother. Learned counsel further submits that there is no eye witness to the occurrence except the sons of the informant. The petitioner is in custody since 16.03.2021 and charge-sheet has been submitted. The petitioner has clean antecedent.

Learned APP opposes the prayer for bail submitting that the statement of the son of the informant was also recorded by the police wherein he has named the petitioner as an accused. Other witnesses in paragraphs 9, 10, 11 and 41 of the case diary have also supported the prosecution case. Learned APP further submits that from paragraph 38, it appears that the elder son of the informant has been residing at the place of his grandfather since the date of occurrence.

In view of the serious nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

(Arun Kumar Jha, J)

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