

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11708 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- KALYANPUR District- East Champaran

Yodha Mahto Son of Late Mathura Mahto Resident of Village- Basdeo
Chapra, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 02.01.2022, in connection with Sessions Trial No. 433 of 2022 arising out of Kalyanpur P.S. Case No. 01 of 2022, F.I.R. dated 01.01.2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with other co-accused person surrounded the deceased, assaulted her by means of lathi, danda and co-accused pressed her mouth and the petitioner committed the murder of the deceased by cutting her vain of left arm by knife.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the the petitioner and the informant is own brother and due to ongoing land dispute, the present occurrence had taken place.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that there is direct and specific allegation against the petitioner that he had assaulted the deceased and the postmortem report also supports the allegation as alleged in the F.I.R.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 433 of 2022 arising out of Kalyanpur P.S. Case No. 01 of 2022 pending in the Court of 12th Additional Sessions Judge, Motihari, East Champaran.

Prayer is refused.

(Rajesh Kumar Verma, J)

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