

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66121 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- MADHUBAN District- East Champaran

Dinesh Mahto Son Of Late Rajendra Mahto Resident Of Village - Talimpur
(SHYAM Chowk), P.S. - Madhuban, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-12-2023 Heard Mr.Ajay Kumar Singh,learned counsel for the

petitioner and the Mr.Anil Prasad Singh,learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
12.04.2022 in connection with Madhuban P.S. Case No. 152 of
2022, F.I.R. dated 10.04.2022 registered for the offence
punishable under Sections 302,34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired on
Md. Tahir causing gunshot injury. Md. Tahir was taken to
Muzafarpur for treatment but he was declared brought dead by
the Doctor of Galaxy Hospital, Muzaffarpur.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely



been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.04.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim and the victim has died.

6. Considering the aforesaid fact and there is direct and specific allegation against the petitioner supported by the medical evidence (postmortem report), I am not inclined to enlarge the petitioner on bail in connection with Madhuban P.S. Case No. 152 of 2022 pending in the court of learned Chief Judicial Magistrate, East Champaran at Motihari.

7. Prayer is refused.

8. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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