

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69457 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

Om Prakash Mahto, Son of Laddo Mahto @ Ladu Mahto, Resident of
Village- Barwatola, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

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

The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Bajpatti P.S. Case
No. 133 of 2022 registered for the offences punishable under
Section 302/34 of the Indian Penal Code.

The allegation against petitioner is to commit murder
of mother of informant alongwith other co-accused persons by
making assault with leg, fight and fists.

It is submitted by learned counsel appearing on behalf



of the petitioner that postmortem report of the deceased is not suggesting any external injuries and therefore allegation as regard to assault to deceased causing her death is appearing non-convincing on its face. It is submitted that previous enmities admitted between the parties and, moreover, petitioner found involved in one criminal case i.e. Pupri P.S. Case No. 148 of 2019 whereafter the trial, he acquitted, and as such, can be said safely that he is a man of clean antecedent.

Learned APP, duly assisted by learned counsel Mr. Sumit Jha, appearing on behalf of the informant, while opposing the prayer of bail submitted that informant is the eye witness of the occurrence raising specific allegation to assault to his deceased mother. It is also submitted that postmortem report is also appearing in corroboration with manner of assault as alleged through FIR for the reason, informant, who is the eye witness of the occurrence stated that assault was caused by jumping on the chest of mother of informant, who is old lady aged about 65 years, by this petitioner.

Considering the aforesaid facts and circumstances and by taking note of specific allegation to cause fatal assault as alleged by informant against petitioner, who appears to be the eye witness of the occurrence, the prayer of anticipatory bail of



petitioner is rejected herewith.

However, if petitioner surrenders and seeks regular bail, his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Chandra Shekhar Jha, J)

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