

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10882 of 2024

Arising Out of PS. Case No.-152 Year-2018 Thana- ISUAPUR District- Saran

Arjun Kumar Mahto @ Arjun Mahto S/o Ambika Mahto R/o Village - Bela,
P.S. - Isuapur, Dist. - Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in a case registered u/s 147, 341, 323, 324, 379, 307, 504 of the Indian Penal Code and later on section 302 of the Indian Penal Code was added.

3. As per the prosecution case, the informant and his cousin brother was going to market on his motorcycle. The petitioner and other co-accused persons came and co-accused Teras Mahto assaulted the informant's cousin brother with *farsa*. The petitioner also assaulted the informant's cousin brother with *farsa* on his head due to which he became unconscious and fell down and both the informant and his cousin brother were taken



to hospital for treatment, where the informant's cousin brother Mantosh Kumar Singh succumbed to the injuries. The co-accused persons also snatched the mobile phone of the informant's cousin brother.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent mentioned in para 3 of the bail petition. Similarly situated co-accused Teras Mahto has already been granted bail by a coordinate Bench of this Court vide order dated 25.02.2019 passed in Cr. Misc. No. 79630/2018. The petitioner is in custody since 30.09.2021. He further submitted that three prosecution witnesses has already been examined.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of inflicting *farsa* blow on the head of the informant's cousin brother and due to which he succumbed to the injuries. It is further submitted that the case of the petitioner is not on similar footing to that of the co-accused Teras Mahto who has been granted bail by the co-ordinate Bench. It is further submitted that the anticipatory bail petition of the petitioner has already been



rejected by a coordinate Bench of this Court vide order dated 23.01.2020 passed in Cr. Misc. No. 4302/2020 and the regular bail of the petitioner was also rejected by this Court vide order dated 08.09.2022 passed in Cr. Misc. No. 27021 of 2022 on merit.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation of assault against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. The learned trial court is further directed to expedite the trial and conclude the same at the earliest.

8. The bail application stands rejected.

(Chandra Prakash Singh, J)

Ranjeet/-

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