

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29631 of 2024

Arising Out of PS. Case No.-1049 Year-2023 Thana- KAHALGAON District- Bhagalpur

Akshay Mahato @ Akshay Kumar Mahto son of Late Rajan Mahato R/o-
Maheshamunda Bind Toli Ps- Kahalgaon Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajive Ranjan Singh, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner, along with two other F.I.R. named accused persons, brutally assaulted the son of the informant, who died during course of treatment.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner is quite innocent and has committed no offence. It is further submitted that date of alleged occurrence is 29.08.2023 but F.I.R. has been lodged on 08.09.2023 and there is no explanation for the same. Both parties are agnates and there is admitted land dispute between the parties. Informant is not an eye witness of the occurrence.



As a matter of fact, son of the informant was himself a criminal and died in some other manner and the dead body has been recovered from some other place. Taking advantage of the situation, this false and concocted case has been lodged against the petitioner.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R.. It is further submitted that there is specific allegation that this petitioner, along with two other F.I.R. named accused persons, brutally assaulted the son of the informant and during course of treatment, he died. As per *post mortem* report, the deceased died due to multiple antemortem injuries caused by hard and blunt substance. It is further submitted that petitioner has three criminal antecedents.

6. Considering the aforesaid facts and circumstances, nature of accusation and criminal antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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