

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33278 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- GALGALIYA District- Kishanganj

RAJESH MAHTO @ RAJESH KUMAR MAHATO SON OF RAMNAND
MAHTO @ MAHANAND MAHTO @ MAHANANDA MAHATO
RESIDENT OF VILLAGE- GALGALIAGACHH, PS- GALGALIA, DIST-
KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-07-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Galgalia P.S. Case No. 53 of 2023 for the offence punishable under sections 302/34 of the Indian Penal Code lodged on 02.11.2023 by the informant, Gautam Singh.

3. As per the prosecution story, the informant alleged that his brother had gone to the house of a lady (identity is not being disclosed). Immediately thereafter, one Dinesh Paswan informed that he is being brutally beaten by the accused persons. The informant rushed to the place and saw the named persons including this petitioner assaulting the brother. He was rushed to the Government Hospital, but was declared brought dead. Later, the body was sent to Siliguri for post-mortem which followed the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that the allegation is omnibus against all the accused persons including this petitioner and he do not have criminal antecedent.

5. In this case, case diary was called for and learned APP, Mr. Jitendra Kumar Singh has taken this Court to the statement made by Dinesh Paswan who had earlier witnessed the episode and he has specifically named this petitioner as one of the person who was assaulting the informant's brother. The reason has also been assigned that the victim was in relationship with a girl which led to this occurrence.

6. Taking into account the aforesaid facts as also that a death has occurred and allegation of brutal assault is amongst others against this petitioner, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

7. The trial is directed to expedite the trial and conclude the same preferably within a period of six months.

(Rajiv Roy, J)

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