

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59193 of 2024

Arising Out of PS. Case No.-279 Year-2020 Thana- PARSA District- Saran

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1. Santosh Mahto @ Santosh Mahoto Son of Terash Mahto Resident of village-Bankerwa, P.S.- Parsa, Dist.- Saran
 2. Gautam Mahto @ Gautam Mahoto Son of Terash Mahto Resident of village-Bankerwa, P.S.- Parsa, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Harshvardhan

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Parsa P.S. Case No. 279 of 2020 dated 17.08.2020 registered for the offence/s punishable u/ss 447, 341, 323, 504, 307, 506 read with section 34 of the Indian Penal Code and later on added section 302 of the IPC.

3. As per the prosecution case, the petitioners and the co-accused persons were abusing the informant's nephew. When the informant's nephew and his wife protested, then on the exhortation of the co-accused Teras Mahto, the petitioner no. 1 assaulted Saroja Devi with Gadasa on her head causing injury.



When the informant came to rescue, the petitioner no. 2 assaulted the informant on his head with iron rod and other co-accused persons also assaulted him and his nephew's wife. Subsequently, Saroja Devi died on 27.09.2020 during treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case due to land dispute. There is case and counter case between the parties. It is further submitted that the allegation against the petitioner no. 1 Santosh Mahto is of assaulting the deceased Saroja Devi with Gadasi but as per medical report, the deceased Saroja Devi sustained injuries caused by hard and blunt substance. It is further alleged that the occurrence took place on 17.08.2020 and the deceased succumbed to the injuries on 27.09.2020. The petitioner no. 1 has two criminal antecedents and the petitioner no. 2 has one criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 04.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that there is specific allegation against the petitioners of assaulting the deceased and the informant. It is further submitted that Postmortem report also supports the prosecution case and the



cause of death is cerebral injury and its complications.

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

7. The application stands rejected.

(Chandra Prakash Singh, J)

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