

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68013 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- ROSERA District- Samastipur

DILIP MAHTO, Male, aged about 50 years, son of Ganga Prasad Mahto
Village- Bataha Dakshinwari Tol W.no-11, Rosera Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 15-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Rosera P.S. Case No.235 of 2022 registered for the offence
under Sections 341, 323, 342, 363, 307, 326A and 34 of the
Indian Penal Code.

3. Allegation against the petitioner along with
other co-accused persons is to have assaulted the son of the
informant after tying his hand and further alleged that the acid
was administered in the eye of son of the informant.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that there is no



specific allegation against this petitioner rather allegation against this petitioner is general and omnibus in nature. It is also submitted that nothing incriminating articles have been recovered from the conscious physical possession of this petitioner, during course of the investigation, which may connect him with the present set of occurrence. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 02.07.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner and submitted that there is specific allegation against this petitioner to caught hold the hand of the son of the informant.

6. In view of the allegation, as made above, as it appears from FIR and impugned order that specific allegation against this petitioner is to hold the hand of son of the informant along other co-accused persons and they also tied *Gamcha* in his neck with intention to kill him and on the order of Ajeet Mahto, Dilip Mahto and his wife Gaytri Devi, 4-5 unknown persons poured the acid in his hand and as it appears from paragraph no.75 of the case diary, which is injury report by the doctor it transpires that the injury found upon the injured Sanjeet Kumar is by substance chemical burnt probably acid and case is



pending for investigation, this Court is not inclined to grant bail to the petitioner.

7. However, Trial Court is directed to conclude the trial of the present case within 06 (six) months from the date of framing of charge and, in case, the trial of the present case could not be concluded within specified period, the petitioner may be at liberty to renew prayer for bail before the learned Trial Court.

(Ramesh Chand Malviya, J)

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