

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81293 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- BALIYA District- Begusarai

Nawesh Kumar @ Nawesh Mahto Son of Setho Mahto Resident of Village -
Mirzapur, Dih, P.O. - Hussaina, P.S. - Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Chandra Verma, Sr. Adv
	:	Ms. Priyanki Kumari, Adv
For the Informant	:	Mr. Sandip Kumar Gautam, Adv
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 11-04-2025 Heard Mr. Yogendra Chandra Verma learned Senior
Counsel for the petitioner, Mr. Sandip Kumar Gautam learned
counsel appearing on behalf of the informant and learned APP
for the State.

2. Petitioner seek regular bail in connection with
Ballia P.S. Case No. 146 of 2024, registered for the offences
under Sections 147, 148, 323, 384, 385 and 302 of the Indian
Penal Code

3. As per the prosecution story, the informant, Avinash
Kumar alleged that on 01.05.2024 the petitioner namely,
Nawesh Kumar along with few others attacked the father of the
informant while he was leaving his house to go the Court
causing injury on his head. It has been specifically alleged



against the petitioner that he gave a blow from Kulhari which he was carrying, on the head of the deceased. The motive of the incident is alleged by the informant that the accused persons were demanding *rangdari* and since the father of the informant did not concede to their demand, hence, the said incident occurred.

4. Learned Senior Counsel for the petitioner has drawn the attention of this Court towards the allegation that the petitioner is said to have assaulted the deceased by Kulhari, however, such an allegation is not supported by the post-mortem report, which carries antemortem injury and states that the injuries were caused by a hard and blunt substance which could not have been given by Kulhari. It has further been submitted by the learned Senior Counsel for the petitioner that the allegation of extortion has not been true and it is just an ornamental allegation which has been alleged against the petitioner and others. It is lastly submitted that the petitioner has clean antecedent and thus, he may be enlarged on bail. The petitioner is in jail since 08.05.2024.

5. Learned counsel for the informant as well as learned A.P.P. has vehemently opposed the prayer for bail and has stated that there is a specific allegation of assault on the



head of the informant’s father (deceased) with Kulhari (axe) owning to which the informant’s father died and during the investigation the witnesses have supported such fact that it was the petitioner Nawesh Mahto who had assaulted the father of the informant.

6. Considering the aforesaid facts and also the fact that from perusal of the post-mortem report it is evident that the death of the father of the informant was due to haemorrhage and neurogenic shock as a result of the injury caused by the heavy hard weapons like Kulhari which stands corroborated by the statements of the witnesses examined during the investigation as well as the statement of the informant and taking in view the specific allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected.

7. Accordingly, the application stands rejected.

(Sourendra Pandey, J)

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