

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84125 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- BAIRIYA District- West Champaran

Virendra Kumar @ Virendra Mahto @ Virendra Kumar Mahto, aged about 33 years, Gender-Male, son of Rameshwar Mahto, R/O village- Siswa Saraiya, P.S.- Bairaiya, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vatsal Verma, Advocate
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-05-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bairiya P.S. Case No. 226 of 2024 dated 03.07.2024 registered for the offences punishable under Sections 126, 115(2), 109 read with Section 3(5) of the B.N.S., 2023 giving rise to G.R. No. 2753 of 2024 in which charge sheet has been submitted for the offences punishable under Sections 126, 115(2), 109, 103(1) of the B.N.S., 2023.

3. As per the prosecution case, on 03.07.2024 at about 3.00 P.M., the petitioner and the other co-accused persons started plucking mango from the mango orchard of the



informant, Lal Mohammad Gaddi, and when his son, Sahabuddin, made protest then the co-accused Anand Mahto threw him on the pucca road and Virendra Mahto (petitioner) assaulted him with an iron rod causing injury. He was brought to G.M.C.H., Bettiah and from where he was referred to Patna for better treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that both parties are the residents of the same village and the deceased was the close friend of the petitioner's younger brother, Anand Mahto. It is further submitted that from perusal of the F.I.R., it is evident that the petitioner assaulted with an iron rod on the head of the deceased but the real fact is that the petitioner was not present at the place of occurrence on the alleged date and time of occurrence rather he was at some other place around 3.00 P.M., i.e., at the time of occurrence which is clear from the C.D.R. of the petitioner. It is submitted that as per paragraph no. 10 of the case diary, the informant is not eye witness to the alleged offence. When the petitioner was arrested he was not put on T.I. Parade to ascertain the accusation against him. The real fact is that the deceased and the co-accused Anand Mahto i.e., the



petitioner's younger brother were sitting on a branch of mango tree and the deceased lost his balance and fell down on the ground from the tree and received injury and thereafter he was brought to the hospital where he died. The alleged occurrence took place on the spur of the moment. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 05.07.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has further submitted that the petitioner is named in the F.I.R. and there is specific allegation against the petitioner for assaulting the deceased with an iron rod which is also supported from the postmortem report of the deceased. Further, the plea of alibi cannot be taken into consideration at this stage.

6. Considering the aforesaid facts and circumstances of the case and the finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bairiya P.S. Case No. 226 of 2024, giving rise to G.R.No. 2753 of 2024, pending in the court of learned A.C.J.M.,-II, Bettiah, West Champaran.



7. The application stands rejected.

8. The learned trial court is directed to expedite the trial
of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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