

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89590 of 2024

Arising Out of PS. Case No.-152 Year-2018 Thana- ISUAPUR District- Saran

Arjun Kumar Mahto @ Arjun Mahto @ Arjun Kumar S/o- Late Ambika
Mahto R/o-Vill- Bela Ps- Isuapur Dist-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mrs. Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 10-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ishuapur P.S. Case No. 152 of 2018 dated 05.10.2018 registered u/ss 147, 341, 323, 324, 379, 307, 504 of the Indian Penal Code and later on section 302 of the Indian Penal Code was added.

3. As per the prosecution case, the informant and his cousin brother were going to the market on his motorcycle. The petitioner and other the co-accused persons came and the co-accused Teras Mahto with the intention to kill assaulted the informant's cousin brother with *farsa*. The



petitioner also assaulted the informant's cousin brother with *farsa* on his head due to which he became unconscious and fell down and both the informant and his cousin brother were taken to the hospital for treatment, where the informant's cousin brother Mantosh Kumar Singh succumbed to the injuries. The co-accused persons also snatched the mobile phone of the informant's cousin brother.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He further submitted that three prosecution witnesses has already been examined. Similarly situated co-accused Teras Mahto has already been granted bail by a coordinate Bench of this Court vide order dated 25.02.2019 passed in Cr. Misc. No. 79630/2018. The petitioner has no criminal antecedent mentioned in para 3 of the bail petition. The petitioner is in custody since 30.09.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of inflicting



farsa blow on the head of the informant's cousin brother and due to which he succumbed to the injuries. It is further submitted that the case of the petitioner is not on similar footing to that of the co-accused Teras Mahto who has been granted bail by the co-ordinate Bench. It is further submitted that the anticipatory bail petition of the petitioner has already been rejected by a coordinate Bench of this Court vide order dated 23.01.2020 passed in Cr. Misc. No. 4302/2020 and the regular bail of the petitioner was also rejected by this Court vide order dated 08.09.2022 passed in Cr. Misc. No. 27021 of 2022 on merit. It is further submitted that vide letter no. 258 dated 06.03.2025, sent to this court in which it has clearly been mentioned that only one prosecution witness (doctor) has to be examined and the trial will be expeditiously disposed of preferably within a period of two months.

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

7. The learned trial court is further directed to



expedite the trial and conclude the same at the earliest.

8. The District Magistrate and the Superintendent of Police, Chapra are also directed to ensure that the prosecution witness (the doctor) to be produced on the fixed date in the court below concerned so that the trial can be concluded at the earliest.

(Chandra Prakash Singh, J)

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