

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31961 of 2014

Arising Out of PS.Case No. -98 Year- 2013 Thana -KHANPUR District- SAMASTIPUR

1. Mahesh Mahto S/o Makku Mahto Resident of Village- Patwara, P.S.- Bibhutipur, District- Samastipur.
2. Narayan Mahto S/o Late Rameshwar Mahto
3. Kokhai Mahto S/o Late Kari Mahto Both are Resident of Village- Nethudwar, P.S.- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sadanand Paswan(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-03-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are in custody since 01.04.2014 in connection with Khanpur P. S. Case No. 98 of 2013 registered for offence under Sections 302, 201/34 of the Indian Penal Code and 3 (2-V) of SC/ST Act.

The allegation against the petitioners is that it is suspected that the petitioner No. 3 alongwith Petitioner No. 1 had participated in killing of one Ram Saran Paswan, husband of the informant Morni Devi. It has been stated in F.I.R. that her husband had gone to see the picture, which was being screened at the



school on 06/07.10.2013 .It has been further alleged that when her husband did not come back, she started searching along with his villagers and it was on the same day, at night at around 12 o' clock that the nephew of the informant told her that her husband had been dragged away by one Binod Mahto as well as Mahesh Mahto. On the following morning, she along with other villagers tried to locate her husband but in the evening at around 3 P.M., the dead body of her husband was found in the Sugarcane field of one Chandrashekhar Mahto at Siwasingpur @ Chaurr in decayed condition.

Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case on the basis of pure suspicion and there is nothing on record to say that in fact they participated in the crime. It also appears that the F.I.R. in the present case was lodged on 09.10.2013 and the dead body was said to have been recovered on the previous day.

Learned counsel for the petitioner further submits that at best the petitioners could have been stated to have been ' last seen' with the deceased, though they have no concern with the affairs of deceased and there is no eye witness of the alleged occurrence.

Considering the aforementioned submissions and also the

fact that the petitioners have no criminal antecedents and have been in custody since 01.04.2014, let above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in Khanpur P. S. Case No. 98 of 2013.

(Anjana Mishra, J)

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