

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33705 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -GHOSI District- JEHANABAD

1. Birju Mahto @ Briju Mahto @ Brijnandan Prasad Son of Late Lalu Mahto, Resident of village - Chandhariya, Police Station-Ghosi (Okari O.P.), District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37265 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -GHOSI District- JEHANABAD

1. Dhanesh Prasad @ Pintu Kumar said to be Pawan Mahto, Son of Surendra Mahto, Residents of Village- Chandhariya, P.S.- Ghosi, District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33705 of 2015)

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

(In Cr.Misc. No.37265 of 2015)

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 30-10-2015 Both the above stated petitions arise out of Ghosi (OkariO.P) P.S.Case No. 52 of 2015 registered under sections 302/34 of the Indian Penal Code. Accordingly, both the above stated petitions have been heard together and are being disposed of

by this common order.

Petitioner in Cr. Misc. No.37265 of 2015 is said to have gone to the house of the deceased along with five others and took the deceased from his house. Furthermore, it is alleged that the deceased was taken in the house of petitioner in Cr. Misc. No.33705 of 2015 and he was mercilessly beaten up and thereafter, his dead body was recovered from Nagdi Khanda.

Learned counsel appearing for the petitioner in Cr. Misc. No. 33705 of 2015 submits that except the informant and some other prosecution witnesses, none has stated that the deceased was taken to the house of above stated petitioners. Moreover, the informant and some other witnesses are hearsay witnesses and as a matter of fact, the deceased was killed somewhere else and that is why when the post mortem report of the deceased was conducted, rigor mortis was found on the person of the deceased.

Learned counsel appearing for the petitioner in Cr. Misc. No 33705 of 2015 submits that petitioner has been named in the first information report as Pawan Mehto and having more or less similar allegation co-accused Sabindra Kumar and Raju Mahto have already been granted privilege of bail by this Court as well as Additional Sessions Judge itself.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Jehanabad in connection with Ghosi (Okari O.P) P.S.Case No. 52 of 2015.

(Hemant Kumar Srivastava, J)

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