

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37070 of 2015

Arising Out of PS.Case No. -97 Year- 2014 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

1. Krishan Mahto @ Krishn Mahto, Son of Narayan Mahto,
2. Karo Mahto, Son of Krishna Mahto
Both R/o- village- Naiki Raghobpur, P.S. - Raghobpur (Jurawanpur), District-
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Gulnar Begum (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Raghobpur (Rustampur) P.S. Case No. 97 of 2014 registered
for the offences punishable under Sections 302, 201/34 of the
Indian Penal Code.

Earlier the case diary of the present case was called for
which has since been received.

Learned counsel for the petitioners submits that
petitioner no. 1 is the father-in-law of the deceased whereas
petitioner no. 2 is the brother-in-law of the deceased.

The allegation against them is that they attacked the deceased and as a result of the beating, inflicted by them, the deceased succumbed to injury.

Learned counsel for the State after perusal of the case diary submits that the death has not been caused by external beating as no such injuries have been found on the person of the deceased rather it has come on record that the deceased used to visit his Sasural in a drunken stage and used to beat his wife in her matrimonial home. He further submits that death has been attributed to asphyxia caused compression of airway of the deceased and not due to beating as alleged in the FIR.

Considering the contradiction in the FIR and also taking note of the fact that the deceased, was in habit of drinking and used to assault the wife and also the fact the petitioners have no criminal antecedents, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Raghapur (Rustampur) P.S. Case No. 97 of 2014, subject to the conditions as laid down under Section

438(2) of the Cr.P.C.

(Anjana Mishra, J)

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