

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20548 of 2015

Arising Out of PS.Case No. -102 Year- 2014 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

1. Chandrika Mahto Son of Late Ramlal Mahto,
2. Dhunmun Mahto, Son of Chandrika Mahto, Both are resident of village
- Senwaria,Kurmi Tola,P.S. - Sirisia, O.P. - District - West Champaran,
Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.21529 of 2015

Arising Out of PS.Case No. -102 Year- 2014 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

1. Subodh Mahto Son of Chandrika Mahto Resident of village - Senwaria,
Kurmi Tola, P.S. Sirisia, O.P. District - West Champaran, Bettiah

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.20548 of 2015)

For the Petitioner/s : Mr. Ajeet Kumar

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

(In Cr.Misc. No.21529 of 2015)

For the Petitioner/s : Mr. Ajeet Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Since both these applications arise out of one and
the same P.S. Case, they have been heard together and are being

disposed of by this common order.

The petitioners apprehend arrest in a case under section 302 and 201/34 of the Indian Penal Code.

The informant Menka Kumari has alleged in the F.I.R. that the petitioners came at her door on the alleged date and time of occurrence and called her husband from the house and started abusing him. On his protest, it is alleged that petitioner Subodh Mahto inflicted Pharsa blows on the neck and head of her husband as a result of which her husband died on the spot and his dead body was burnt by the petitioners.

It is submitted on behalf of the petitioners that as per the prosecution case, Subodh Mahto is alleged to have assaulted the deceased with Pharsa and due to the said injuries, he succumbed. As far as petitioners Chandrika Mahto and Dhunmun Mahto are concerned, there is no allegation of assault against them. It has been further submitted that the petitioners have no criminal antecedent.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the fact that there is specific allegation of assault against Subodh Mahto, petitioner in Criminal Misc. No. 21529 of 2015 for causing injury to the deceased, I am

not inclined to grant privilege of anticipatory bail to him in connection with Chanpatia P.S. case No. 102 of 2014 pending in the court of the Chief Judicial Magistrate, West Champaran at Bettiah. His prayer for grant of anticipatory bail is, accordingly, rejected.

So far as the petitioners of Criminal Misc. No. 20548 of 2015, namely, Chandrika Mahto and Dhunmun Mahto are concerned, as there is no specific allegation or any injury attributed to them, they are directed to surrender in the court below within four weeks from the date of receipt/production of a copy of this order and on their doing so, the court below shall enlarge them on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Chanpatia P.S. Case No. 102 of 2014, subject to all the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

Amin/-

(Sudhir Singh, J)

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