

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24339 of 2015

Arising out of PS.Case No. -352 Year- 2014 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

1. Vijay Mahto, son of Sh. Hiralal Mahto,
2. Ramsakal Mahto, son of Late Sahdeo Mahto, Both residents of Village-
Gora Semra, Nuniya Tola, Police Station- Majhaulia, District- West
Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Pushpa Sinha 2 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-07-2015 The petitioners are apprehending their arrest in connection
with Majhaulia P.S. Case No. 352 of 2014 for the offences
instituted under Section 302/34 of the I.P.C.

Heard learned counsel for the petitioners and learned
counsel for the State.

The prosecution story, in brief, is that the petitioners
alongwith other F.I.R. named accused committed murder of the
informant's brother, namely, Deepak Kumar, due to love affair of
Deepak Kumar with the daughter of accused Ramdhari Mahto,
namely, Kiran Kumari.

A supplementary affidavit has been filed on behalf of
the petitioners by which the charge sheet has been brought on

record.

It has been submitted on behalf of the petitioners that in the present case the police has submitted the charge sheet and from perusal of the said charge sheet which is Annexure-5 to the supplementary affidavit, it appears that the petitioners have non-sent up for trial but the learned court below has differed with the said report and taken cognizance.

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

Considering the aforesaid fact that the charge sheet has been submitted in the present case where the accusation against the petitioners has been found to be false, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Majhauria P.S. Case No. 352 of 2014 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)