

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24439 of 2015

Arising out of PS.Case No. -2051 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District- SITAMARHI

1. Ram Pukar Mahto, son of Sri Mahendra Mahto, resident of Village- Badiyumghata, P.S.- Sahiyara, District - Sitamarhi.
2. Ram Chandra Singh @ Ram Chandra Pd. Singh, son of Sri Tej Narayan Singh, resident of Village- Matiyar Khard , P.S.- Sahiyara, District- Sitamarhi.
3. Ashok Das @ Ashok Kumar Das, son of Late Chandradeo Das, resident of village- Matiyar Kala, P.S.- Sahiyara , District- Sitamarhi.
4. Shailendra Mahto @ Shailendra Kumar, son of Late Ram Kripal Mahto, resident of Village- Matiyar Kala, Ward No. 3, Police Station- Sahiyara, District- Sitamarhi.
5. Chandeshwar Mahto, son of Late Binda Mahto , resident of village- Matiyar , Khurd, P.S.- Sahiyara, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. Jugeshwar Baitha, son of late Ram Deo Baitha resident of Matiyar, Kala, P.S. - Sahiyara, District- Sitamarhi.

.... Opposite Parties.

Appearance :

For the Petitioners : Mr. Dudh Nath Singh, Advocate.

For the State : Mr. Chandra Bhushan Prasad(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with Complaint Case No. C-1/2051/12 for the offences instituted under Sections 302, 120(B) and 119 of the IPC.

The prosecution story, in brief, is that in the complaint-cum-protest petition filed by the complainant Yugeshwar Baitha



that on 26.01.2008 at about 6.00 P.M., he alongwith his son Nawal Kishore Baitha and grand-son Kaushan Kishore Baitha had gone to Village-Baduri Bazar, son of the informant, namely, Sanjay Baitha was also in the market. It is further alleged that Sanjay Baitha was taken by motorcycle and the motorcycle belongs to the accused Shailendra. The motorcycle was driven by Sanjay Baitha and Kamal Kumar Das and Shailendra Mahto were pillion rider. They proceeded towards west of the market. The informant heard sound of firing. The informant and other people rushed towards the place of firing. It is further alleged that accused Vinayak Jha fired from his Nalkatua. Kamal Kumar Das and Shailendra Mahto got down from the motorcycle. They also proceeded in assaulting Sanjay Baitha. All of them have country-made gun in their hand. They also fired on Sanjay Baitha. It is further alleged that accused Kamal Kumar Das and Shailendra Mahto fired from fire-arms causing injury to Sanjay Baitha. On the order of Keshri Nandan Thakur, accused Chandeshwar Mahto and Baliram caused injury with Khukhari, on account of which, Sanjay Baitha, died on the spot. The motive of occurrence is land dispute with regard to construction of road and distribution of profit.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted

that vide Annexure-2, the petitioners were made accused in Sahiyara P.S. Case No. 05/2008 dated 27.01.2008. The police after investigation had submitted final form vide Annexure-5. The said final form was accepted by the court. Thereafter, the informant again filed a protest petition, on the basis of which, the petitioners have been made accused in the present case. It is further submitted that the petitioners have falsely been implicated in the present case due to enmity.

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

Considering the aforesaid facts and circumstances, 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 four weeks from today in connection with Complaint Case No. C-1/20151/12 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 S.D.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)