

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33772 of 2014

Arising Out of PS.Case No. -253 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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Chhote Mahto @ Chhitu Mahto @ Ranjan Kumar S/o - Late Manoj Mahto
Resident of Village - Sardarganj, P.S. - Dalsingsarai, Distt. - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Shailendra Kumar 1(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 27-11-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in
Dalsingsarai P.S. Case No.253 of 2013 for the offence under
Section 304 of the I.P.C.

The case diary of this case which was called for has
since been received. Viscera report which was sought for has also
been sent to this Court.

Learned counsel for the petitioner submits that the
petitioner has been robed into the present case only because the
toddy shop owner had employed the deceased in his shop and as
usual deceased had come to the toddy shop in the morning of the
fateful day as well as the deceased who was the son of the
informant, was found indulging in some hot talk with Chhote



Mahto. He further submits that the petitioner had taken Rs.35,000/- from the deceased who was the son of the informant on some occasions prior to the present occurrence and when the son of the informant demanded his money from the petitioner some altercation took place between the deceased and the petitioner. Learned counsel further submits that in course of altercation perhaps the deceased had taken poison by himself and only because there was some friendship between this petitioner and the deceased, the name of the petitioner had been taken in connection with the present case.

The Report from the Forensic Science Laboratory has also stated that the presence of thimet in the viscera of the deceased is highly poisonous substance. But other paragraphs of the case diary do not indicate that the petitioner as well as the deceased had taken toddy together or had been found eating and drinking together. The allegation is that the petitioner was only seen indulging in hot talk with the deceased.

Considering the fact that there is no further cogent material in the case diary save and except the statement of the owner of the toddy shop who had only pointed to the petitioner for having indulged in hot talk and the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender

before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Dalsingsarai, in Dalsingsarai P.S. Case No.253/13 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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