

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10129 of 2015

Arising Out of PS.Case No. -157 Year- 2014 Thana -PHULWARIA District-
BEGUSARAI

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1. Umesh Mahton
2. Arun Mahton
Both Sons of Late Radhe Mahton, Resident of village- Kairibari
Fulwaria, p.s. phulwaria, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 14-07-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The accused-petitioners seek bail in a case registered
for the offence punishable under Section 302/34 of IPC.

The prosecution story, in brief, is that the informant
came to know that the dead body of a child had been identified as
the dead body of his son, Prince Kumar. In the meantime, his
nephew Shiva Mahto told him that Prince was seen with Umesh
Mahton and Arun Mahton at about 12.30 P.M. It has been
suspected that both of them have throttled the son of the informant
and thrown his dead body in a pond. It has also been alleged
that both of them were threatening to withdraw the case filed

against them.

It is submitted that there is no eye witness to the occurrence. From perusal of statement of one witness Samina Khatoon made in paragraph 29 of the case-diary, it appears that when she had gone to take bath, the dead body was taken out at about 11.30 A.M. Similar is the statement in paragraphs 30, 31, 32 and 33 of the case-diary. It appears that allegation against the petitioners is not true. However, after investigation, charge-sheet has been submitted against the petitioners.

It has also been found during investigation that the deceased had been seen to have gone to take bath in the pond with some other children.

Learned counsel for the State submits that the petitioners have also criminal antecedents.

It has also been submitted that the petitioners are on bail in all those cases.

Considering the facts and circumstances, the above named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/court concerned ***after framing of charge*** in Phulwaria P. S. Case No. 157 of 2014 with following

conditions:-

1. The petitioners will not indulge themselves in similar or any other offence.
2. One of the bailors must be the close relative of the petitioners.
3. The petitioners will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, their bail bonds would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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