

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22093 of 2015

Arising Out of PS.Case No. -260 Year- 2008 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Chandra Kishore Mahto @ Chandra Kishore Singh son of Late Chandeshwari Mahto @ Chandeshwari Singh
 2. Kiran Deo Mahto @ Kiran Deo Singh son of Mattar Mahto @ Mattar Singh
 3. Binod Mahto @ Binod Singh son of Saini Mahto @ Saini Singh.
 4. Rajesh Mahto @ Rajesh Singh son of Chandradeo Mahto @ Chandradeo Singh
 5. Bhim Mahto @ Bhim Singh son of Bhikho Mahto @ Bhikho Singh
 6. Sikandar Mahto @ Sikandar Singh son of Late Khattar Mahto @ Khattar Singh.
 7. Pawan Mahto @ Pawan Singh son of Late Khattar Mahto @ Khattar Singh.
 8. Kailash Mahto @ Kailash Singh son of Mattar Mahto @ Mattar Singh
 9. Purshottam Mahto Purushottam Singh son of Late Chandeshwari Mahto @ Chandeshwari Singh

All are resident of village- Belwara Tola, Sahuriya, P.S.- Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Section 302 of the Indian Penal Code.

It is alleged by the informant that in the night of 11.9.2008, the informant and his father Chandeshwari Mandal took meal and his father slept at Bathan and the informant went to the house for sleeping then his uncle Shym Sundar Yadav raised alarm then he came there and found that some unknown persons have cut the throat of his father. It is alleged that on hulla nearby

people also came at the place of occurrence.

It has been submitted on behalf of the petitioners that the present case was instituted as far back in the year 2008. It is further submitted that the petitioners have been made accused in the present case by the order of D.I.G, which is evident from para 163 of the case diary dated 04.03.2015. The petitioners are not named in the FIR. It is further submitted that there is land dispute between the parties. Subsequently, vide Annexure 3 a petition has been filed on behalf of the informant to the effect that the petitioners have been made accused in the present case due to mistake of fact,

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

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released 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 learned C.J.M., Saharsa in connection with Bakhtiyarpur P.S.Case No. 260/2008, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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