

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37800 of 2015**

Arising Out of PS.Case No. -73 Year- 2014 Thana -JAMUI District- JAMUI

- =====
1. Suresh Mahto Son of Late Sahdeo Mahto
  2. Sunil Mahto Son of Late Bhuneshwar Mahto

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. S.Dayal (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 21-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 302, 394, 307, 341, 323, 325 and 120B of the Indian Penal Code, 27 of the Arms Act and 3/ 4 of the Explosive Substances Act.

The prosecution case is that co-accused Jodhi Mahto tried to assault on the head of Niraj Singh with 'lathi' but it caused fracture injury to the informant on his hand. Thereafter, co-accused Kamlesh Mahto, Subhas Kumar @ Virappan Subhas @ Yuvraj Mahto exploded the explosives which hit on the left hand of the informant and also caused injury on head and left abdomen portion of Niraj Singh, as a result Niraj Singh died on the spot. Thereafter, co-accused Dashrath, Suresh, Saudagar and

Sunil Mahto resorted to indiscriminate firing. The accused persons also took Rs.2 lakhs from the dikki of the motorcycle of the informant.

It is submitted by learned counsel for the petitioners that the accusation appears unreasonable that the petitioners resorted to fire when Niraj Singh was already killed by explosive injury. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Jamui P.S. Case No.73 of 2014, pending before the learned CJM, Jamui.

With the above observation, this application is, accordingly, disposed off.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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