

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10874 of 2015**

Arising out of PS.Case No. -189 Year- 2014 Thana -SIKANDARA District- JAMUI

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Bano Mistry @ Bino Mistry, son of Late Bineshwar Mistry, resident of  
Village- Kurhadih, P.S.- Sikandra, District- Jamui.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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with

**Criminal Miscellaneous No.15086 of 2015**

Arising out of PS.Case No. -189 Year- 2014 Thana -SIKANDARA District- JAMUI

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Bharat Mahton, Son of Faudari Mahton, resident of village - Kurhadih,  
Police Station - Sikandra, District – Jamui.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

(In Cr.Misc. No.10874 of 2015)

For the Petitioner : Mr. Umesh Prasad, Advocate.

For the Opposite Party : Mr. Hirday Pd.Singh(App)

(In Cr.Misc. No.15086 of 2015)

For the Petitioner : Mr. Umesh Prasad, Advocate.

For the Opposite Party : Mr. Ramesh Chandra(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      08-06-2015                      Since both the cases arise out of the same P.S. Case No.  
  
189 of 2014, hence a common order is being passed in both the  
  
cases.

The petitioners are languishing in custody since  
  
19.01.2015 in connection with Sikandra P.S. Case No. 189 of

2014 for the offences instituted under Sections 302, 120(B)/34 of the I.P.C. and Section 27 of the Arms Act.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 19.12.2014, the deceased Kailash Mahton with one Kameshwar Das, teacher was going to see his field and wife of deceased and his daughter were also going with food of labourer, working in field, saw that accused persons named in the F.I.R. surrounded the motorcycle of deceased Kailash Mahton and hit fire on the deceased. The deceased died on spot. The wife of deceased Anita Devi, the informant and daughter Pushpa Devi saw the said occurrence in their own eye.

It has been submitted on behalf of the petitioners that the informant has responded after hearing sound of firing and hence she is not an eye witness to the occurrence and there is omnibus and general allegation has been made against the petitioners.

From perusal of the F.I.R., it appears that there has been only one firing being made in course of occurrence as to when from perusal of the F.I.R. it appears that the deceased had sustained four lacerated wound and apart from that one incised

wound which shows that the post mortem do not support the F.I.R.  
Further it has been submitted that the petitioners have no criminal antecedent and they are in custody since 19.01.2015.

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 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Jamui, in connection with Sikandra P.S. Case No. 189 of 2014.

U.K./-

**(Sudhir Singh, J)**

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