

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11399 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -SIKANDARA District- JAMUI

- 1. Sofendra Mahto
- 2. Naresh Mahto Both are sons of Iwasar Mahto
- 3. Anandi Mahto Son of late Besar Mahto All are resident of Village; Kurahari PS Sikandra, District Jamui.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

with
Criminal Miscellaneous No.15510 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -SIKANDARA District- JAMUI

- 1. Abdhesh Mahton son of Late Besar Mahto
- 2. Nand Kishor Mahton @ Nank Kishoe Mahton Sons of Naresh Mahto, Resident of Village- Kurhadih, P.S. Sikandra, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.11399 of 2016)
For the Petitioner/s : Mr. Ambika Bhagat
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava(App)
(In Cr.Misc. No.15510 of 2016)
For the Petitioner/s : Mr. Ambika Bhagat
For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-05-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioners seek bail in a case for the offences punishable under sections 323, 324, 326, 302 and 201/34 of the I.P.C

Allegedly, when the informant was returning from his paddy field he saw the accused persons including the petitioners armed with sword, gun, lathi and pistol along with 3-4 unknown, they stopped the motorcycle of his uncle Madan Mistri, started assaulting him and took away towards the brick kiln where Madan Mistri was saying that now he would not take Rs. 50,000/- from the accused and thereafter the police was informed but in the night Madan Mistri was not traced out and next day in the morning his headless dead body was recovered.

Submission is of false implication and that there is no eye witness regarding the actual killing of the deceased, in the postmortem report there is no fire arm injury, without any legal and tangible material the petitioners are suffering in custody and as such they deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that prayer for bail of similarly situated co-accused, namely, Awadh Mahto and Babloo Mahto has already been rejected by another coordinate

Bench of this Court and the petitioners are also named in the First Information Report. During investigation also the witnesses have supported the same and further co-accused Raj Kumar Mahto and Awadhesh Mahto have confessed the guilt also.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Sikandra P.S. Case No. 132 of 2015 pending in the court of A.C.J.M. Jamui.

(Jitendra Mohan Sharma, J)

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