

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53271 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -KURSAKANTA District- ARRARIA

1. Shivjee Mahto, Son of late Ramjee Mahto, Resident of Village- Harira,
Balchanda ,P.s Kursakannta, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma--Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 30-01-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

While informant's son Niraj Mahto was returning after visiting Sundri Fair and as soon as he reached near the house of petitioner, Shivjee Mahto, Shivjee Mahto flashed torch over his face, which was resisted by him and on account thereof, an altercation took place in between Shivjee and Niraj. During course thereof, Shivjee Mahto threw him on ground and his son Hanuman Kumar Mahto bite him. Then thereafter, others have also joined and began to assault. Unfortunately, her son-in-law Shakti Mandal @ Gonar Mandal came and seeing the dispute, he tried to intervene whereupon all the accused persons namely Shivjee, Mahto, Hanuman Kumar Mahto, Khutri Devi, Ram Chandra

Mahto, Shemlu Mahto, Raushan Mahto, Anil Mahto, Birendra Mahto caught hold Shakti Mandal, threw him on ground, jumped over his chest and throttled on account of which, he became unconscious. Shakti Mandal was taken to hospital where he was declared dead. Post mortem report suggests cause of death asphyxia on account of strangulation.

From perusal of the case diary, it is evident that no specific allegation attributed against the petitioner to the extent of causing strangulation. Petitioner is under custody since 20.03.2015.

Accordingly, petitioner, **Shivjee Mahto** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Kursakantha P. S. Case no.21 of 2015.

(Aditya Kumar Trivedi, J)

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