

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2839 of 2016

Arising Out of PS.Case No. -20 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Shashi Mahto Son of Late Hari Lal Mahto @ Hira Lal Mahto, Resident
of Village - Parigama, Tole - Jogiya, P.S. - Pupri, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ganga Prasad Raut, Son of Late Sone Lal Raut, Resident of Village -
Choraut (East Tola), P.S. - Pupri, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar
For the Opposite Party/s : Mr. Uma Shankar Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 19-01-2016 Heard learned counsels for the petitioner and

the State.

The petitioner is apprehending arrest in a

complaint cum protest petition wherein process has been

directed to be issued after cognizance being taken under

Sections 302/34 of the Indian Penal Code.

The prosecution case is that the father in law of

the informant was called by one Kuldeep Hathi through

phone when he went outside and thereafter he did not

return. The informant came to know that subsequently he

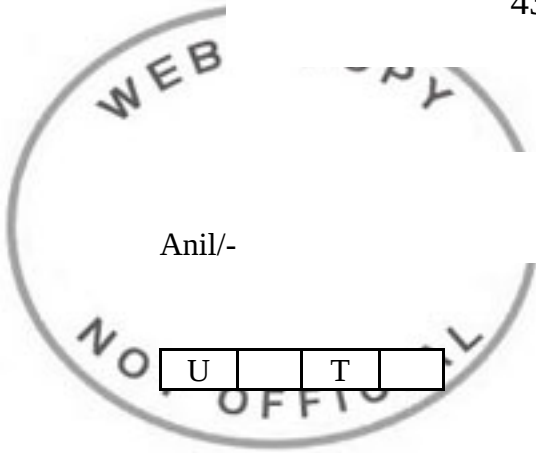
was accompanied by Mahesh, Sadhu and Hardeo Kapar.

It also transpired that co accused Jharilal Mahto and Ram Kumar Mahto fired on the father in law of the informant but the said fact was narrated by Mahesh, Sadhu and Hardeo on the date of cremation.

It is submitted by the learned counsel for the petitioner that on conclusion of investigation the petitioner was not sent up for trial. Final report was accepted and subsequently on protest cum complaint process was directed to be issued. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the informant is not eye witness to the occurrence and the delayed disclosure of the name of other co accused by the witnesses coupled with the fact that petitioner was not sent up for trial, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupari at Sitamarhi in connection with Pupri P.S. Case No. 174 of

2010 subject to the conditions as laid down under Section
438(2) Cr.P.C.



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(Dinesh Kumar Singh, J)