

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20208 of 2016

Arising Out of PS.Case No. -239 Year- 2014 Thana -SONBERSA District- SAHARSA

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1. Baleshwar Mahto @ Raleshwar Mahto @ Balo Singh Son of Jhari Mahto
2. Khushilal Mahto @ Khushilal Mandal@Bhagalpuria Son of Manjhi
Mandal Both Resident of Village- Saraiya, PS Choutham, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2016 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, 201/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case is that the village Chowkidar while going home found a deserted dead body leading to registration of FIR against unknown. Soon after the identification of the dead body statement of brother of the victim was recorded wherein he alleged that five accused persons, including the petitioners, along with victim were taking food at the hotel of co-accused, Ashok Ray. The witnesses have also suggested about the hostility between the deceased and some of the accused who were

seen in the company of the victim.

It is submitted by the learned counsel for the petitioners that the accusation has been levelled on mere suspicion. None has seen the incident. Moreover, co-accused Ashok Ray, at whose hotel, the victim was seen in company of five others taking food, has already been granted anticipatory bail vide order passed in Cr. Misc. No. 54165 of 2015. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail till the conclusion of investigation 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 CJM, Saharsa in connection with Sonbarsa (Kashnagar O.P.) P.S. Case No. 239 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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