

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30043 of 2016

Arising Out of PS.Case No. -22 Year- 2013 Thana -KAHAIYA District- MUZAFFARPUR

=====

1. Sunil Mahto, Son of Radho Mahto
2. Binod Mahto, Son of Lal Mohan Both Residents of Village- Saghanpura,
Police Station- Kathaiya, District- Muzaffarpur Petitioners
Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioners : Mr. Prabhakar Jha, Adv.
For the Opposite Party : Mr. Parmeshwar Mehta, APP 42

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 08-09-2016

Heard both the sides.

The petitioners apprehend their arrest in Kathaiya P.S. Case No. 22 of 2013 under Section 302 and other sections of the Indian Penal Code.

The informant alleged that Sipahi Mahto and Sunil Mahto, petitioner no. 1, entered into his sugar cane field for the purpose of committing theft, but, his son, Ajeet Kumar caught them. Sipahi Mahto raised alarm on which Sunil Mahto, petitioner no. 1, also came there and both started assaulting his son. On hearing cry, Darshan Mahto, Bunni Lal Mahto, Binod Mahto, petitioner no. 2, Raju Kumar Mahto and others also came and they assaulted the son of the informant and nephew of the informant. In the meantime, on the order of Darshan Mahto, Sipahi Mahto gave dagger blow to Ajeet Kumar.

Shri Vikramdeo Singh, the learned counsel for the petitioners submits there is omni bus and general allegation of assault against the petitioners, but, Sipahi Mahto, is said to have given dagger blow in the abdomen of the deceased, Ajeet Kumar. Ajeet Kumar died due to injury in his abdomen, no other injury

was found and similarly situated co-accused person, Raju Mahto @ Raju Kumar Mahto has been granted anticipatory bail vide order, dated 20.08.2016, passed in Cr. Misc. No. 25118 of 2016. It appears that the case of the petitioners stands on similar footing to that of Raju Mahto @ Raju Kumar Mahto.

Considering the facts and circumstances, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with the Kathaiya P.S. Case No. 22 of 2013 to the satisfaction of the Additional Sessions Judge, IV, Muzaffarpur, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

SA/-

U	√	T	√
---	---	---	---