

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54867 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -BELCHHI District- PATNA

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1. Umesh Mahto son of Ishwar Prasad Singh, resident of village Korari P.S. Belchhi, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. B.N.Pandey(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 11-01-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Belchi P.S. Case No. 24 of 2015, registered for offences punishable under Sections 302 and 34 of the Indian Penal Code.

Diary in the present case was called for which has since been received.

Learned counsel for the petitioner submits that an out and out frivolous and mischievous allegations have been leveled against the petitioner by the informant. The version as recorded in the F.I.R by the informant is also wholly concocted as it has come on record that the hands of the informant and his brother is said to have been tied by the accused person and their mouth had also been gagged by the gang which took away his father. The call



details of these two brothers have indicated that they were in fact, in continuous telephonic conversation with one Dilip Mahto who has also been made accused in the present case. Learned counsel for the petitioner further submits that the father of the informant had gone missing and the informant had been moving around in the village in search of his father, who did not return home till late night. It is further submitted that several villagers had been contacted by the informant and his younger brother on the night of the day of occurrence. Therefore, the story that their hands and feet tied and their mouths gagged near the Mandir was wholly concocted and cannot be sustained as it has surfaced in the case diary no such occurrence ever took place.

Learned counsel appearing on behalf of the State submits that in paragraph 60 of the case diary, it has come on record that the informant had several times approached the independent witness, namely, Santosh@Jawahar Prasad and one Sudhir Prasad in paragraph 6, who have stated that the informant had come looking for his father the following morning the dead body of their father had been recovered beside the river.

Learned counsel for the petitioner submits that earlier the brother of this petitioner was murdered and the deceased Gyandhari Yadav, father of the informant was putting pressure on the four accused persons named in the present F.I.R, against

giving evidence in the said case as the trial was in progress. The earlier case involved being Belchhi P.S. Case No. 179 of 2003. He further submits that it is on account of the said animosity that the petitioner has been roped in the present case.

Considering the nature of allegation and also noting the fact that save and except this case, there is only one other case pending against the petitioner bearing belchhi P.S. Case No. 260 of 2001 and the contrary facts which have emerged in the present case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh in connection with Belchhi P.S. Case No. 24 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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