

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38926 of 2016**

Arising Out of PS.Case No. -122 Year- 2016 Thana -EKMA District- SARAN

- =====
1. Sunaina Devi W/o -Ramchandra Mahto
  2. Ramchandra Mahto S/o Daroga Mahto
  3. Usha Devi W/o Santosh Mahto All Resident of village-Bhundhari, P.S.- Ekma, District-Saran at Chapra

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

2      06-10-2016      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ekma P.S. Case no. 122 of 2016, registered under Sections 302/34 of the Indian Penal Code.

The allegation of informant Vinay Kumar Mahto is that on 26.06.2016 at about 9.00 A.M. he asked to his cousin uncle to remove the wood form his land so that he may cultivate the land. Then his cousin uncle Ramchandra Mahto (Petitioner) told him that he has no share in the said field and due to that reason some hot talk were exchanged. In the mean time, wife of Ramchandra Mahto, Santosh Mahto, son of the petitioner Ramchandra Mahto and wife of Santosh Mahto came there armed with lathi and danda and started assaulting to the informant. In the meantime, when Kish Kumari Devi, mother of

the informant, rushed there to rescue the informant then Santosh Mahto caused injury through piece of wooden log on her, who become unconscious. Thereafter, she was rushed to PHC, Ekma for treatment, where Doctor declared her died.

Learned counsel for the petitioners submits that, in fact, the petitioners are aunt, uncle and sister in law of the informant and they had falsely been implicated in this case being the mother, father and wife of Santosh Mahto, who is said to be caused injury at the head of mother of the informant. Further submission is that there is general allegation of causing injury to the deceased and no any injury found on the person of the informant.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in connection with Ekma P.S. Case No. 122 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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