

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.749 of 2016

Arising Out of PS.Case No. -291 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

- =====
1. Sunil Kumar Mahto
 2. Anil Kumar Mahto,
 3. Sonu Kumar @ Sonu Kumar Mahto,
- All sons of Bindeshwar Mahto, Residents of Village Gonhar Nawada,
R.S. Samastipur Muffasil, District - Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Pd.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 12-01-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Samastipur Muffasil P. S. Case No. 291 of 2015 registered
under Section 302/34 of the Indian Penal Code.

It is contended that there is no eye witness of the
occurrence and the informant has lodged the FIR against the
petitioners merely on the basis of hypothetical presumption and
wild suspicion and even during investigation no witness has
come forward to say that the petitioners were involved in any

manner in killing of the deceased. It is further contended that from perusal of the post-mortem report, it would be apparent that cause of death was due to cardio respiratory failure caused by high voltage electric current. In that view of the matter, submission is that in a case of accidental death, due to enmity existing from before, the petitioners have been falsely implicated in this case.

Learned counsel for the State has opposed the application for grant of anticipatory filed on behalf of the petitioners.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in Samastipur Muffasil P. S. Case No. 291 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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