

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8642 of 2016

Arising Out of PS.Case No. -354 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
- 1. Mukesh Mahto Son of Raghunath Mahto
 - 2. Ram Pravesh Mahto son of Raghunath Mahto
 - 3. Sumitra Devi wife of Raghunath Mahto All Residents of village-
Chailahan Goshala Tola, Dohitar, P.S.- Banjaria, District- East Champaran

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with

Turkaulia (Banjaria) P.S.Case No. 354 of 2015 (G.R. No.
2124/2015) registered for offences punishable under Sections 302,
201, 120 (B)/ 34 of the Indian Penal Code.

The prosecution case as lodged by the father of the

deceased is that the son of the informant/complainant, Manoj
Mahto, whose marriage was solemnized with co-accused Mina
Devi about eight years ago and got children from their conjugal
relation but on the basis of pregnancy of his wife in absence of the

son of the informant he became angry, which caused hurt to his wife and upon this all accused persons carried Manoj Mahto towards river on the pretext to watch crops in the field and committed murder with sharp cutting weapon and to hide evidence threw the dead body in the river.

It has been submitted by the learned counsel for the petitioners that the petitioner Nos. 1 and 2 are brother-in-law (sala) and petitioner No. 3 is mother-in-law of the deceased. It is further submitted that the date of occurrence, as alleged in the complaint case, was of 21/22.03.2015 but the final F.I.R. has been lodged on 07.05.2015 after in-ordinate delay.

It has further been submitted that the wife of the deceased on the date of occurrence itself on 22.03.2015 had lodged an F.I.R. against certain persons named, therein, bearing Turkauliya (Banjaraia) P. S. Case No. 244 of 2015 and after investigation, charge sheet has been submitted against Ram pravesh Mahto, Jai Kishore Manjhi and Buni Manjhi. He further submits that the petitions have no criminal antecedent as is evident from para-3 of this application and have been implicated only on the basis of suspicion.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence,

opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkaulia (Banjaria) P.S.Case No. 354 of 2015 G.R. No 2124/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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