

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16028 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Manoj Mahto @ Manoj Kumar Mahto
2. Arun Mahto, Both Sons of Sita Ram Mahto Resident of Village -
Kewas Nizamat, P.S. - Samastipur (Muffasil), District - Samastipur
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-06-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections 341/
323/337/302/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioners submits that there is
allegation against these two petitioners, yet in the subsequent
statement made before the Police, the victim himself has been
retracted from the said allegation made in the First Information
Report and stated that actually it was a person from behind who
had thrown stone which hit the informant's *Dewar* and he had
dashed against the tree leading to the his death. It has also been
submitted that the informant has sustained injury due to dashing of

motor-cycle.

Learned counsel appearing on behalf of the State after perusal of the case dairy submits that the fact that has come in paragraph No. 4 of the case diary which goes to prove that initially *Fardbeyan* was not giving the true picture.

In view of the aforementioned facts and circumstances, the nature of allegations, the materials which has surfaced in the case diary and also the fact that the petitioners have no criminal antecedent, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Samastipur, in connection with Samastipur (M) P.S. Case No. 212/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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