

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24179 of 2016

Arising Out of PS.Case No. -403 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Jagdeo Mahto s/o Late Buldeep Mahto
2. Sunil Mahto s/o Jagdeo Mahto
3. Lal Babu Mahto s/o Late Kuldeep Mahto All R/o Village- Laukhan Tola
Koraiya P.S.- Ghorasahan, Distt.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The prayer for anticipatory bail of petitioner No.3, Lal Babu Mahto has already been withdrawn vide order dated 31.5.2016.

The two petitioners, namely, Jagdeo Mahto and Sunil Mahto, apprehend their arrest in Ghorasahan P.S.Case No. 403 of 2015 registered under Sections 379, 328, 307, 323, 504/34 and later on Section 302 of the Indian Penal Code was added.

The informant Vishnukant Mahto filed a complaint case on 29.9.2015 alleging therein that when he had gone to attend call of nature the accused persons caught him and asked him to carry a bag containing arms and ammunitions. When the informant



opposed the accused persons assaulted him and by putting him on earth they dropped some liquid in his mouth. The informant became senseless but the accused persons brought him to Police Station, Ghorasahan, from where he was referred to Sadar Hospital, Motihari and from where he was brought to the clinic of Dr.Atul. The informant-complainant himself lodged a case on 29.9.2015 for the occurrence dated 27.9.2015.

It is submitted that there is no medical report about the fact that the deceased was ever poisoned. He was treated at Sadar Hospital, Motihari and wherefrom he was shifted to the clinic of Dr.Atul but the informant and his family members did not produce any paper showing that any poisonous substance was put in the mouth of the informant. The informant died on 30.11.2015 and the Doctor opined that the deceased died due to cardiac respiratory failure on account of chronic heart disease.

On the other hand, learned counsel for the informant as well as learned Additional P.P. vehemently opposed the prayer for anticipatory bail.

Learned counsel for the informant did not show any prescription disclosing that the informant was ever treated for any poisonous substance. The informant admittedly lodged the case on 29.9.2015 but he did not annex the prescription of the Doctor at

the time of filing of the complaint case. The informant was discharged on 29.9.2015. He died on 30.11.2015. The Doctor held postmortem and came to the finding in the postmortem report that the deceased died due to cardiac respiratory failure on account of chronic heart disease. There appears no case of poisoning.

Considering the aforesaid facts, the petitioners, namely, Jagdeo Mahto and Sunil Mahto, in the event of their arrest or surrender in the court below within a period of four weeks from the date of receipt/production of this order, shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Ghorasahan P.S.Case No. 403 of 2015 to the satisfaction of Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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