

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25901 of 2016

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

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Md. Ajmat Khan @ Md. Ajmat, Son of Md. Atul Khan, Resident of Village
- Ganga Ram Barhetta, P.S. Hathauri, District - Muzaffarpur. - Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-08-2016 Heard both sides.

The petitioner apprehends his arrest in Samastipur
Muffasil P.S. Case No. 212 of 2015 registered under Sections 341,
323, 337, 302/34 of the Indian Penal Code.

The informant alleged that while she along with her
brother-in-law Amarjeet Kumar Pandey was going on a
motorcycle and reached near a toddy shop at Bhatti Chowk, the
motorcycle dashed a child. Her brother-in-law stopped the
motorcycle. On the order of Laxmi Mahto, Manoj Mahto and
Arun Mahto assaulted her brother-in-law with stones and bricks on
his head. Consequently, her brother-in-law died.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. In the further statement, the
informant named the petitioner Md. Ajmat Khan but did not make
any specific allegation of assault against the petitioner. The

informant herself made specific allegation in the FIR that on the order given by Laxmi Mahto, Manoj Mahto and Arun Mahto assaulted her brother-in-law with stones and bricks causing his death on the spot. Manoj Mahto and Arun Mahto have already been enlarged on anticipatory bail vide order dated 24.06.2016 passed by a co-ordinate bench of this Court in Cr. Misc. No. 16028/2016.

Considering the facts that the name of the petitioner figured in the further statement of the informant and no specific allegation is made against the petitioner and the persons who are named in the FIR as assailants have already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 16028/2016, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, West, Samastipur in Samastipur Muffasil P.S. Case No. 212/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)