

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3859 of 2016

Arising Out of PS.Case No. -20 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Munna Mahto Son of Bathu Mahto,
 2. Rajesh Mahto, Son of Munna Mahto,
 3. Mithilesh Mahto,
 4. Umesh Mahto, Both sons of Late Shiya Mahto, All are resident of village - Parigama, Tole - Jogiya, P.S. - Pupri, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ganga Prasad Raut, S/o Late Sone Lal Raut, R/o Village - Choraut East Tola, P.S. - Pupari, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar
For the Opposite Party/s : Mr. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioners and

the State.

The petitioners are apprehending arrest in a complaint cum protest petition wherein process has been directed to be issued after cognizance being taken under Sections 302/34 of the Indian Penal Code.

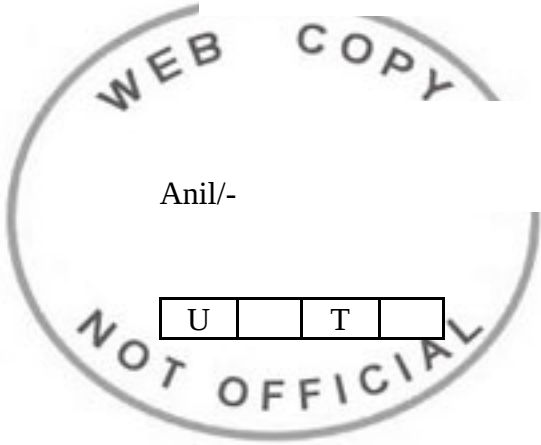
The prosecution case is that the father in law of the informant was called by one Kuldeep Hathi through phone when he went outside and thereafter he did not return. The informant came to know that subsequently he was

accompanied by Mahesh, Sadhu and Hardeo Kapar. It also transpired that co accused Jharilal Mahto and Ram Kumar Mahto fired on the father in law of the informant but the said fact was narrated by Mahesh, Sadhu and Hardeo on the date of cremation.

It is submitted by the learned counsel for the petitioners that on conclusion of investigation the petitioners were not sent up for trial. Final report was accepted and subsequently on protest cum complaint process was directed to be issued. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the informant is not eye witness to the occurrence and the delayed disclosure of the name of other co accused by the witnesses coupled with the fact that petitioners were not sent up for trial, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Pupari at Sitamarhi in connection with Pupri P.S. Case No. 174 of 2010 subject to the conditions as laid down

under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)