

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24285 of 2016

Arising Out of PS.Case No. -261 Year- 2010 Thana -KADAMKUAN District- PATNA

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1. Surendra Mahto,
 2. Sunsun Mahto,
 3. Mukesh Mahto, All are sons of Ram Babu Mahto, Resident of Kasmer, P.S.- Sonapur, District- Saran.
 4. Baleshwar Mahto @ Baleshwar Singh, S/o Late Ramashish, Resident of Siddi Ghat, P.S.-Hajipur, District-Vaishali.
 5. Lalita Devi, W/o Late Devi Mahto, Resident of Kasmer, P.S.- Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 31-08-2016 Heard the learned senior counsel for the petitioners,

the learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioners apprehend their arrest in Kadamkuan

P.S. case No. 261 of 2010 under Section 302, 120B of the Indian

Penal Code.

Susma Devi, the widow of the deceased, alleged that

her husband was selling grind gram and on 01.05.2010 at about 5

in the morning when her husband was going to bring some articles

Suresh Mahto, Sunsun Mahto, Mukesh Mahto, Baleshwar Mahto



and Lalita Devi came across with her husband and they persuaded him to take tea. After taking tea, her husband became unconscious. Her husband disclosed that petitioners gave poison to him only because her husband was not compromising the case of death of his sister, who was married to Vikash Mahto, brother of petitioners Nos. 1 to 3 for which a case under Section 304B and other sections of the IPC was lodged.

Sri N. K. Agrawal, the learned senior counsel for the petitioners, submits that the story, as disclosed by the informant, does not appear to be trustworthy as in the morning the petitioners had no occasion to come near Dinkar Chouraha. The petitioners were not accused in the case of death of sister of deceased and Vikash Mahto, his father and mother were made accused in Sonapur P.S. case No. 69 of 2009 registered under Section 304B, 201/34 of the IPC. The petitioners never threatened the deceased for not compromising the case. Even during the course of investigation in paragraph 73 of case diary and onwards, the witnesses have stated that Raju Mahto, the deceased, was lying unconscious and they took him to hospital.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail.

It appears that wife of the deceased has made very specific allegation that deceased himself disclosed that petitioners mixed poison with tea which he took and became unconscious. The wife and other witnesses have also supported the allegations. The petitioners are brothers and other relatives of Vikash Mahto, the husband of the deceased sister of the deceased. Although, the case was lodged in the year 2010 but the petitioners filed this anticipatory bail petition in the year 2016 after six years of the occurrence. The F.S.L. report, in paragraph 49 of the case diary, also shows that Celphos was found inside the abdomen and on account of which the deceased died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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