

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5020 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -BELCHHI District- PATNA

1. SHAILENDRA MAHTO @ SHALENDRA MAHTO son of Ishwar Prasad Singh, resident of village- Korari, P.S.- Belchhi, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Mustaque Alam(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Belchhi P.S.Case No. 24/2015 for the offence registered under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that allegation against all the accused persons including the present petitioner is out and out frivolous and mischievous. He has further submitted that the version as recorded in the F.I.R. by the informant that he along with his father Indra Deo Yadav and brother was returning on 25.05.2015 in the night after purchasing articles of worship and from the eastern side of the brick kiln (Chimney) all the accused standing there, caught the



informant and his brother and father and they tied the hands and legs of both the brothers and gagged their mouth with gamcha and took away his father towards kiln and on search his father was found lying dead in the dry river, was not found to be correct. This was on account of the fact that these two brothers have continuous telephonic conversation with one Dilip Mahto, who has also been made accused in the present case.

It has further come on record that the informant had several times approached the independent witness seeking information regarding whereabouts of his father and thereafter in the following morning the dead body of their father had been recovered beside the river.

Learned counsel further points out to an order passed by this Court in which one Umesh Mahto, co-accused has been extended the privilege of anticipatory bail by this Court vide Cr. Misc. No. 54867 of 2015 vide order dated 11.01.2016.

Considering the entire facts and circumstances of the case and that the case of the present petitioner is similar to that of Umesh Mahto, who has since been granted the anticipatory bail, let the petitioner above named, in the event of his arrest or surrender before the Court below 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 bond of Rs.10,000/- (Ten thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistratge, Barh in connection with Belchhi P.S.Case No. 24/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

(Anjana Mishra, J)

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