

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52289 of 2015

Arising Out of PS.Case No. -300 Year- 2014 Thana -BANIAPUR District- SARAN

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1. Begu Mahto @ Vigu Mahto
2. Ashok Mahto
Both sons of Madan Mahto, resident of village- Sohail Gajan, Police
Station- Baniyapur, District Chapra (Saran)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in connection with Baniyapur
P.S.Case No.300 of 2014 registered under Sections 302 and 201
read with 34 of the Indian Penal Code.

It has been contended that there is no eye witness of the
alleged occurrence and the names of the petitioners have been
given in the FIR merely on the basis of information given by one
Rani Devi, but during investigation the police have not recorded
the statement of Rani Devi. It has been further contended that
during course of investigation neither the statement of co-villager
Samshuddin Miyan, who went to call the informant from her

parental house nor the statement of any co-villager, who used to reside at the place of occurrence, was recorded in support of the prosecution case.

Learned counsel for the State has contended that the informant has instituted the case on the basis of information received by her sister-in-law Rani Devi. However, on perusal of the case diary he concedes that the statement of Rani Devi has not been recorded by the investigating officer of the case.

Regard being had to the facts and circumstances of the case, the above named petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No.300 of 2014.

(Ashwani Kumar Singh, J)

Md.S./-

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