

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39204 of 2016**

Arising Out of PS.Case No. -146 Year- 2015 Thana -SIKANDARA District- JAMUI

Jay Prakash Mahton, Son of Late Ram Bhajju Mahton, resident of Village -  
Kurhadih, P.S. - Sikandra, District - Jamui

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner : Mr. B.J. Ojha, Advocate  
For the S t a t e : Smt. Madhuri Lata, APP  
For the Informant : Mr. Indu Shekhar Dwivedi, Advocate

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      09-11-2016                      Heard learned counsel for the petitioner and the  
  
learned counsel for the informant as well as the learned  
  
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in  
connection with Sikandra P.S. Case No.146 of 2015 for  
allegedly having committed the offence under Sections 302,  
380/34 of the Indian Penal Code.

Diary in the present case was called for, which has  
since been received.

Learned counsel for the petitioner submits that the  
allegation against the petitioner is that he along with one  
Makeshar Mahton, who is the full brother of the petitioner, has  
conspired to kill the mother of the informant and earlier also

they had threatened the wife of the informant to flee away from the village. Therefore, the informant suspected that the present petitioner along with his brother and other accused persons had participated in the occurrence, which led to the murder of his mother.

Learned counsel for the informant, however, submits that there is a history of litigations between the parties and the petitioner and the informant are agnates and the petitioner and other accused persons had been threatening the informant and his wife and had finally done away with the mother of the informant.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the allegation made against the petitioner by the informant that he suspected the hands of the present petitioner and one Makeshar Mahton in the occurrence, there is no other cogent material in the case diary to support the incident.

Having heard learned counsel for the parties and on perusal of the materials on record as well as the evidence, which has surfaced in the case diary, it appears that the case against the petitioner is based on suspicion. As such, 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 released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-2, Jamui, in connection with Sikandra P.S. Case No.146 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J)**

PNM

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