

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9293 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -MEERGANJ District- GOPALGANJ

1. Bhola Mahto
2. Toni Mahto
3. Kushai Mahto, All sons of Pramod Mahto, residents of village Narainia,
P.S. Mirganj, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anant Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 12-04-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Mirganj P.S. Case No. 32 of 2015 registered
under Section 302/34 of the Indian Penal Code pending in the
court of Chief Judicial Magistrate, Gopalganj.

The accusation is that on 02.02.2015, in the
evening, Vijaymal Chouhan, husband of the informant, was
returning home on motorcycle with Pappu Kumar from
Mirganj Bazar. In the way, he went to the house of Promod
Mahto for taking money but he was not present at house and



his son, Toni Mahto, took her husband of informant to Narainiya Railway crossing on pretext to take to his father Promod Mahto and started abuse him. In the meantime, petitioner nos. 1 and 3 along with Darshan Mahto came there on motorcycle and started to assault the husband of informant and at that time, accused, Darshan Mahto, gave knife blow at his chest, on which, he fell down. While he was rushed to Hathwa Hospital but died.

Learned counsel for the petitioners submits there is specific allegation against co-accused, Darshan Mahto to gave knife blow to deceased, with general and omnibus allegation against the petitioner to cause assault to the deceased. It is further submitted that petitioner has no criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial court within six weeks and pray for regular bail, which would be considered by the trial court.

in accordance with law without being prejudiced by the order
of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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