

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21152 of 2017

Arising Out of PS. Case No. -94 Year- 2011 Thana -GORIAKOTHI District- SIWAN

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Anil Mahato Son of Bhagelu Mahato Resident of Village- Khawaspur, P.S.
Basantpur, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 21-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Goriyakothi P.S. Case No. 94 of 2011
registered for offences under sections 364/406/34 of the Indian
Penal Code.

As per allegation, the petitioner has allured the son of
the Informant for a job in New Delhi on payment of Rs. 10,000/-
per month, he carried his son to New Delhi but, his son never
returned.

The present case was lodged in the year 2011 and the
petitioner has moved this Court in the year 2017 i.e. after six
years. Though in the Case Diary, the statement of the relatives of
the victim supports the case of the Informant as also involvement



of the petitioner in carrying the son of the Informant.

Learned counsel for the petitioner submits that the petitioner resides in different village and different police station and he had no information about the present case and also the police had never approached to the petitioner. Learned counsel for the petitioner has relied on the statement of Basudeo Prasad, Baliram Mahto and Vishwanath Mahto in paragraph nos. 97, 98 and 99 respectively of the Case Diary stating that the son of the Informant was coming home from Delhi on train but, due to congestion, he was standing at the gate in the darkness, he fell down and died.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Anil Mahato, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Goriyakothi P.S. Case No. 94 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of



anticipatory bail shall be deemed to have been cancelled.

(Shivaji Pandey, J)

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