

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28888 of 2017

Arising Out of PS.Case No. -26 Year- 2015 Thana -JANKINAGAR District- PURNIA

=====

1. Dhanilal Mahto
2. Mehilal Mahto,
3. Sobhit Lal Mahto All three Son of Budhan Mahto, R/o Village- Rampur
Tilak, Police Station- Janki Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-08-2017

Heard both sides.

The petitioners apprehend their arrest in Janki Nagar
P.S. case No. 26 of 2015 under Section 302, 452, 120(B) of the
Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while he was sitting
along with his brother-in-law, Guneshwar Mahto, Ful Kumar
Yadav, Gandhi Yadav and Basistha Yadav came at the door of
informant and Ful Yadav made indiscriminate firing causing the
death of Guneshwar Mahto on the spot. The informant further
alleged that Nago Mahto, Munga Lal Mahto, Makun Mahto,
Dayalal Mahto, Din Dayal Mahto, Bhokhi Mahto and Lalo Devi
hired the criminals to kill his brother-in-law, Guneshwar Mahto.



The learned counsel for the petitioners submits that petitioners are not named in the FIR. The petitioners are sons of Budhan Mahto, the informant. There is no eye witness of the occurrence. During the course of investigation some of the witnesses disclosed that Budhan Mahto and his sons themselves killed Guneshwar Mahto in the night and implicated others on account of enmity. From perusal of the case diary, it appears that the occurrence took place 11 P.M. in the night and witnesses of the vicinity disclosed that Budhan Mahto had some dispute with his brother-in-law on account of lending and borrowing of money and Budhan Mahto with the help of his sons, the petitioners, killed his brother-in-law.

Considering the facts aforesaid and the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

