

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30856 of 2017

Arising Out of PS.Case No. -181 Year- 2016 Thana -KHAIRA District- SARAN

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Marai Mahto S/o - late Bhagu Mahto Resident of Village Maiksuspur, P.S.
Khaira, District Saran at Chapra.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Rajani Kumari

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Khaira P.S. Case No.
181 of 2016 instituted for the offence under Sections-342, 323, 302/34
of the Indian Penal Code.

It is alleged in the written report that the informant was
sleeping with his brother, Nagendra Mahto at his Bathan and got awake
at 2.00 O” clock, then saw that petitioner along with other accused
persons named in the written report took his brother Nagendra Mahto
forcibly after closing his mouth with cloth. The informant raised protest
then they pushed him down due to which, he received injury on his
right elbow. Thereafter, they took his brother forcibly at the house of
petitioner. The informant along with villagers went to the house of the
petitioner and saw in the torch light that Chunchun Devi and Preeti
Kumari had caught his brother after tying both his legs with rope and



other accused persons were dragging him. Krishna Mahto was shouting to kill and when the informant reached at the spot, the accused persons fled away from there after committing murder of his brother. The blood was oozing from his mouth and nose and his brother was lying dead.

The learned APP has submitted that the witnesses in paragraphs-7 & 8 have supported the case. The postmortem report is available in the case diary wherein the doctor has opined the cause of death as asphyxia due to strangulation.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and seek regular bail which will be considered by the court below and disposed off on its own merit in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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