

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27141 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -KATRA District- MUZAFFARPUR

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1. Lalan Mahto son of Late Ram Prasad Mahto,
2. Anil Mahto @ Anil son of Lalan Mahto,
Both Resident of Village- Dargah, P.S.- Katra, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Mukund Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Katra P.S.Case No. 73 of 2016 registered under Sections 447, 307
and 302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

It is submitted by Mr. Bal Mukund Prasad Sinha, learned
counsel for the petitioners that though the petitioners have been
named in the first information report, overt act alleged is confined
against Mukush Singh and Sonal Kumar only. He submitted that
the informant has not even alleged that these two petitioners were
armed with any weapon. He contended that they have been named



in the first information report only because a land dispute was pending between the petitioner Lalan Mahto and the deceased from before.

On the other hand, learned counsel for the State submitted that from perusal of the FIR itself it would appear that the petitioners were also participants in commission of murder of the grand son of the informant. He contended that it is a case of attacking the informant with common object to kill him. Even though the allegation of firing is not attributed against the petitioners, they cannot escape the liability under the provisions of Section 34 of the Indian Penal Code.

Having regard to the submissions made above and the allegations made in the FIR, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, their prayer for grant of pre-arrest bail is rejected.

In case the petitioners surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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