

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20136 of 2017

Arising Out of PS.Case No. -218 Year- 2016 Thana -BHAGWANPUR District- BEGUSARAI

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1. Rekha Devi, wife of Rajeev Mahto @ Rajeev Mahton,
2. Anil Mahto @ Anil Mahton, son of Late Rajendra Mahto @ Late Rajendra Mahton, Both residents of Village- Dahiya, P.S.- Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 03-08-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bhagwanpur P.S. Case No. 218 of 2016, registered under Section 302/34 of the Indian Penal Code.

The accusation is that petitioner no. 1, Rekha Devi put the bricks in the courtyard, on which, son of the informant asked the petitioners to remove the bricks as her mother was facing trouble to cross the bricks as she is handicapped from leg. Thereafter, petitioner no. 1, her husband and petitioner no. 2 caused assault to the husband of the informant through Fatta and fist. When informant and her son rushed to save him then they were also assaulted by accused persons through Fatta. In the meantime, Rajeev Mahto, husband of petitioner no. 1, caused



injury at the testes (hydrocele) of husband of the informant. Thereafter, husband of the informant was rushed to P.H.C. Bhagalpur but he died in course of treatment.

Learned counsel for the petitioners submits that petitioners and the informant are agnates and they are residing in the same house. In fact, husband of the informant died due to cardiac disease but due to ulterior motive the present case has been lodged with false allegation. Moreover, no external injury was found on the person of the husband of the informant and the cause of death is shown as due to Preexisting tuberculosis and cardiac disease.

Considering the aforesaid submissions, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No. 218 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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