

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18722 of 2017

Arising Out of PS.Case No. -326 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

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1. Brijnandan Mahto @ Brajnandan Mahto, son of Shiv Mahto,
2. Bodhan Mahto, Son of Bhaso Mahto, Both residents of Village- Mahsar,
P.S. & District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-05-2017

Heard learned counsel for the petitioner.

The petitioners are apprehending their arrest in connection with Sheikhpura P.S. Case No. 326 of 2015, registered for offences punishable under Sections 279, 304A, 302, 201/34 of the Indian Penal Code.

The allegation against the petitioners was under Section 279 and 304A IPC but later on it has been converted into under Sections 302 and 201/34 IPC. The petitioners are named in the FIR.

It has been submitted on behalf of the petitioners that earlier the case was filed for the accident and in which no allegation has been attributed against the petitioners but after obtaining compensation under the Motor Vehicles Act after four



months, in the present case it is alleged that the petitioners have taken the deceased along with them and killed the deceased and that clearly shows that the petitioners have falsely been implicated in this case.

Heard learned A.P.P. also. Learned A.P.P. opposes the prayer for bail of the petitioners.

Having heard both sides and in view of the fact that after four months the case has been converted into under Sections 302/20134 IPC, let the petitioners, above named, surrender before the court below and on their surrender the court below will release the petitioners on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to its satisfaction in connection with the present case with the following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.
- (iii) During the course of investigation, if any serious



incriminating material comes against the petitioners, the prosecution shall be at liberty to move for cancellation of their bail bonds.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

S.Pandey/-

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