

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48477 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Kari Mahton @ Kari Mahto, S/o Late Deoki Mahton, Resident of Village- Teliya Pokhar, P.S.- Town (Ratanpur O.P.), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar -Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 19-01-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant, who happens to be son of deceased, had gave his fard-bayan to the effect that while he was at his house, *Mohalla* people informed him that his father was being dragged by some persons to commit murder whereupon he along with his brother Sumit Kumar, cousin Nirpendra Kumar rushed towards P.O. where they saw Bhushan Kumar @ Bhushni, Mangla @ Mangraila, Lakshman Mahto, Kari Mahto (petitioner) along with two unknown persons engaged in assaulting with a sharp cutting weapon through which he slit neck of his father as well as caused injuries at different parts of body. Seeing them, the accused persons fled away. Deceased was brought to hospital where he



was declared dead.

During course of investigation, further statement of informant was taken under Para-16 wherefrom it is evident that he had not named the petitioner rather he had identified Bhushan Kumar @ Bhushni, Ramu Mahto and Lalit Mahto son of Indradev Mahto along with two unknown persons. He had further stated that his brother had disclosed that Mangla and Kari Mahto was also seen by him. Sumit Kumar, brother had stated that Mangla and Kari were seen at Bajrangbali Mandir in drunken condition, who on query, disclosed that his father was being dragged by others in order to kill. No other witnesses have been examined by the I.O., who could have claimed to be an eye witness to occurrence. Chargesheet had already been submitted.

Accordingly, petitioner, **Kari Mahton @ Kari Mahto** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Town P. S. Case no.121 of 2016.

(Aditya Kumar Trivedi, J)

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