

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5618 of 2017

Arising Out of PS.Case No. -107 Year- 2016 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Chandi Mahto,
2. Chhotu Mahto, Both are Sons of Upendra Mahto, resident of Village-
Brindawan, P.S.- Sarmera, District- Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binit Kumar, Advocate.

For the Opposite Party : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in
connection with Sarmera P.S. Case No. 107 of 2016 for the
offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 05.11.2016 at
about 8.00 A.M., the informant's father was getting ploughed his
land. In the meanwhile, the petitioners alongwith co-accused
Upendra Mahto came and claimed title and possession of the
aforesaid land. Thus, altercation took place among them. It is
further alleged that the accused persons pressed the neck of the
informant's father and pushed him down which caused his death.

It has been submitted on behalf of the petitioners that the



petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. The petitioners are said to have pressed the neck of the deceased. The postmortem report shows that there is no external injury on the body of the deceased. Annexure-3 is the petition filed by the informant stating that due to mistake of fact the present case has been instituted.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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 in connection with Sarmera P.S. Case No. 107/2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)