

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26994 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

=====

1. Satish Prasad
2. Nitish Kumar @ Nitish Mahto,
Both sons of Late Ram Sahay Mahto, residents of village -Nekpur,
P.S. Chhabilapur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhileshwar Dayal, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

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
Chhabilapur P.S.Case No.09 of 2017 registered under Section
302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that the petitioners have been implicated in the case merely on
suspicion by the daughter-in-law of the deceased, who is accused
in a case of murder of father of the petitioners. He submitted that
the postmortem report of the deceased would reveal that no
external or internal injury was found on his dead body. He



submitted that it was a case of natural death, but due to previous enmity the daughter-in-law of the deceased has lodged a completely false and frivolous first information report.

On the other hand, learned counsel for the State submitted that the case is still under investigation and enmity cuts both ways. That may be the reason that the petitioners might have committed murder of the deceased. However, having gone through the case diary and the postmortem report, he admitted that no external or internal injury was found on the body of the deceased.

Having regard to the submissions noted above, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Nalanda at Biharsharif in connection with Chhabilapur P.S. Case No.09 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

U			
---	--	--	--

