

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38493 of 2017

Arising Out of PS.Case No. -388 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Pappu Mahto, son of Budhan Mahto, resident of village-Parsa Mauze,
P.S. Majhaulia, District-West Champaran, Bettiah. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. N. P. Sinha, Sr. Advocate with
Mr. Jitendra Narain Sinha, Advocate
Ms. Rashmi Bharti, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in Majhaulia P.S.
Case No.388 of 2015 instituted for the offence under Section(s)
341, 323, 302, 504/34 Indian Penal Code.

Counsel for the petitioner has submitted that there is
allegation in the First Information Report that this petitioner
along with other accused assaulted the mother of the Informant
with *lathi* on account of which she died.

Case diary was called for, which has been received.

Learned APP has submitted that post mortem report
is available in the case diary, wherein, the doctor has not found
any external or internal injury and in the opinion of the doctor,
cause of death was shock due to heart disease.



Counsel for the petitioner has submitted that in the instant case police after investigation has submitted charge-sheet under Section 304 Indian Penal Code.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Majhaulia P.S. Case No.388 of 2015, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, II, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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