

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2491 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI

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1. Ashok Kumar @ Ashok Mahton,
2. Raushan Kumar @ Raushan Mahton. Both sons of Jagdeesh Mahto,
resident of Village- Malpur Gachhi, P.S. Khodabundpur (Chodahi O.P.)
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2018 Heard the learned counsel for the petitioners and learned APP
for the State.

The petitioners seek anticipatory bail in connection with
Khodabundpur PS case no. 138 of 2017 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

The allegation in the present case is regarding the accused
persons assaulting the deceased resulting in his death.

The learned counsel for the petitioners submits that a false
case has been lodged and the actual position is that the deceased
had died on account of illness and not due to assault made by the
petitioners and the other accused persons. It is further submitted
that the petitioners have a clean antecedent and a compromise has



also been affected in between the parties.

The learned counsel for the informant is present and does not dispute the aforesaid position as narrated by the learned counsel for the petitioners. He submits that, in fact, the deceased died due to illness.

Having regard to the facts and circumstances of the case, more particularly the fact that the informant has not disputed the factum of death of the deceased on account of illness, I deem it fit and proper to enlarge the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender within six weeks before the concerned court, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Manjaul in connection with Khodabundpur PS case no. 138 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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