

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27666 of 2018**

Arising Out of PS.Case No. -78 Year- 2017 Thana -KURSELA District- KATIHAR

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1. Ram Swaroop Mahto, S/o Late Jagdish Mahto,  
2. Pankaj Kumar Mahto @ Pankan Mahto S/o Ram Swaroop Mahto, Both  
Residents of Vill.- Gandhi Gram Bind Toli, P.S.- Kursela, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      11-07-2018                      The petitioners are apprehending their arrest in connection with Kursela P.S. Case No. 78 of 2017, registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

Allegation as per F.I.R. is that the informant has seen her husband going along with one Pappu in the night and it is alleged that petitioners were also accompanying them and in the next day dead body of the husband of the informant was found.

It has been submitted on behalf of the petitioners that save and except the fact that the informant has seen the petitioners along with his husband, there is absolutely nothing to show that they have any role to play in the murder of husband of the informant and they have been made accused in this case only on



the basis of suspicion.

Learned counsel for the State could not controvert the above submission.

Having heard both sides, in view of the above facts, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kursela P.S. Case No. 78 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear



before the police on two consecutive dates  
without showing any genuine reasons, the  
prosecution is free to move for cancellation  
of their bail bonds.

**(Vinod Kumar Sinha, J)**

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