

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53535 of 2018

Arising Out of PS. Case No.-105 Year-2017 Thana- MADHWAPUR District- Madhubani

1. Ram Baboo Mahaseth, S/o Chaulahi Mahaseth, R/o Vill. and P.S.- Madhwapur, District- Madhubani.
2. Ajit @ Pintu Mahaseth S/o Ram Baboo Mahaseth, R/o Vill.- Madhwapur, District- Madhubani.
3. Guddu Mahaseth S/o Ram Baboo Mahaseth, R/o vill.- Madhwapur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in Madhwapur P.S. Case No. 105 of 2017 registered under Sections 147, 149, 341, 323, 379 and 304 of the Indian Penal Code.

Petitioners along with other accused persons are said to have descended at the house of the informant, assaulted the informant and his son and co-accused Satyendra Mahaseth pulled down the mother of the informant from the cot due to which she sustained injury and succumbed to her injury.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. The petitioners



have been falsely implicated in this case by the informant due to land dispute. The allegation of assaulting the informant and his son levelled against the petitioners is not specific rather omnibus in nature. Weapon used in the occurrence has also not been mentioned in the written report. Allegation of pulling down the deceased from the cot is not against the petitioners rather against Satyendra Mahaseth. Moreover said victim has not sustained any injury in the occurrence and the doctor has opined the cause of death of the deceased as cardio respiratory failure in its post mortem report. Petitioners have been languishing in custody since 06.07.2018.

On the other hand, learned APP for the State and learned counsel for the informant opposed the bail petition submitting that the petitioners along with other accused persons descending at the house of the informant assaulted the informant and his son and pulled down the mother of the informant from the cot resulting into her death. Hence the petitioners do not deserve bail.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Judicial Magistrate Ist Class, Benipatti, Madhubani in
connection with Madhwapur P.S. Case No. 105 of 2017.

(Prakash Chandra Jaiswal, J)

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