

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51948 of 2017

Arising Out of PS.Case No. -133 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Lala Mahto, S/o Late Shivji Mahto, R/o Village- Kazi Sarai, P.S. Kako, District- Jehanabad.
2. Baldeo Mahto,
3. Vijay Mahto,
4. Upendra Mahto,
5. Uma Shankar Mahto, All four 2 to 5 sons of Late Tulsi Mahto, R/o Village- Kumandi, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 15-01-2018 At the outset, it has been submitted that this petition with respect to petitioner Nos. 1 & 2 has been dismissed as withdrawn vide order dated 08-01-2018 because both of them have already been arrested during pendency of this petition.

Heard learned counsel for the rest petitioners and the State.

The petitioner Nos. 3, 4 & 5 apprehend arrest in Kako P.S. Case No. 133 of 2017 instituted for the offence under Sections-363/365 of the Indian Penal Code.

It is alleged in the written report that mere suspicion has been raised in the FIR against the petitioners by the informant.

It is alleged in the FIR that husband of the informant after taking meal on 27-06-2017 went to sleep in his Dalan. The informant



did not find her husband on next day in the Dalan. The informant searched her husband but did not find him. The informant suspected that these petitioners have abducted her husband on account of land dispute.

Counsel for the petitioners has submitted that one U.D. Case being Hulasganj U.D. Case No. 04 of 2017 dated 29-06-2017 was registered for death of an unknown person aged about 62 years due to falling down near hand pump while he was drinking water in village Kathauli, Tota-Ram Bigha, P.S. Hulasganj, District-Jehanabad.

The Photostat copy of certified copy of U.D. Case No. 04 of 2017 has been annexed as Annexure-2 to the petition.

Counsel for petitioners has submitted that the informant identified the deadbody of the person of aforesaid UD case No. 04 of 2017 to be dead body of her husband.

The case diary has been received in this case.

Learned APP has submitted that besides suspicion, there is no allegation of specific overt act against the petitioners.

In such circumstances, prayer for anticipatory bail of petitioner Nos. 3, 4 & 5 is allowed and it is ordered that petitioner Nos. 3, 4 & 5 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kako P.S. Case No. 133 of 2017 to the satisfaction



of Sri R. K. Rajak, learned Sub Judge-cum-ACJM-IV, Jehanabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 3, 4 & 5 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 cause, will liable to cancel bail bond of the petitioner Nos. 3, 4 & 5 and (3) if petitioner Nos. 3, 4 & 5 tamper 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 Nos. 3, 4 & 5.

(Sanjay Priya, J)

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