

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5652 of 2018

Arising Out of PS.Case No. -270 Year- 2015 Thana -MARHAURA District- SARAN

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Gupta Mahto @ Binod Kumar Mahto, Son of Late Mohan Mahto, Resident
of Village- Tehti Bind Toli, P.S. Marhaura, District-Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 29-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Marhaura**
P.S. Case No. 270 of 2015 instituted for the offence under
Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
in the written report there is allegation against co-accused Lal
Bihari Mahto of assaulting the father of the informant with *Dab*
indiscriminately.

Learned counsel for the petitioner has submitted that
co-accused Kalawati Devi has already been granted anticipatory
bail by a coordinate Bench of this Court vide order dated
24.05.2017 passed in Cr. Misc. 21602 of 2017.

Learned counsel for the State has submitted that



informant has alleged in last para of written report that this petitioner along with other accused persons have brutally assaulted the father of informant with Dab on account of which he died.

The post mortem report is available in the case diary wherein Doctor has found seven incised wound on the person of deceased caused by sharp edged weapon.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

The petitioner may surrender in the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order and if possible, shall be disposed off on the same day.

(Sanjay Priya, J)

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