

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52420 of 2018

Arising Out of PS.Case No. -26 Year- 2015 Thana -JANKINAGAR District- PURNIA

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1. Dhanilal Mahto,
2. Mehilal Mahto,
3. Sobhit Lal Mahto @ Sobhit Mahto,
All three sons of Budhan Mahto, R/o Village- Rampur Tilak, Police Station-
Janki Nagar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Ajay Kumar-1, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-10-2018 Heard learned counsel for the petitioners and the
State.

The petitioners seek bail in Janki Nagar P.S. Case No.
26 of 2015 instituted for the offence under Sections 302, 452 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act.

In the written report there is allegation against Phool
Yadav of causing firearm injury to brother-in-law (*Bahnoi*) of the
informant namely, Bhuneshwar Mahto, on account of which, he
died on the spot.

Counsel for the petitioners submits that during
investigation the name of petitioners has come after two months
of the occurrence, on the basis of statement of wife of deceased,



namely, Kamli Devi levelling allegation against Budhan Mahto (informant). She has stated that her husband had given Rs.3,00,000/- in several installments to the informant in order to purchase land. The wife of the deceased has alleged that due to such enmity, he has committed murder of her husband who is brother-in-law of the informant. Counsel for the petitioner further submits that Budhan Mahto has already been granted bail by a coordinate Bench of this Court vide order dated 20.04.2017 passed in Cr. Misc. 2015 of 2017.

In the written report there is no allegation of any specific overt act against the petitioners. Petitioners are sons of the informant.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Janki Nagar P.S. Case No. 26 of 2015, subject to the condition that both the bailors will be the close relatives of the petitioners.

(Sanjay Priya, J)

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