

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75714 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- JALE District- Darbhanga

-
1. Yadunandan Mahto, Son of Kusheshwar Mahto.
 2. Kiran Devi, Wife of Yadunandan Mahto. Both are Resident of Village-Radhi, P.S. Jalley, Distt.-Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Iqbal Asif Niazi, Advocate.

For the Opposite Party : Mr. Dr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Learned counsel for the petitioners is permitted to make necessary corrections in the parentage of petitioner no. 1, in course of the day.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 342, 323, 325, 307 and 302 of the IPC.

The prosecution story, in brief, is that on 26.05.2018 informant Umesh Kumar's younger brother Naresh Yadav @ Ram Naresh Yadav @ Sutta was coming back home as usual from his work place. At about 7.00 P.M. near the house of co-accused Dasrath Mahto, his sons threw stone pieces on him to



tease him, upon which informant's brother abused him. In retaliation, petitioners along with co-accused threw the informant's brother on the ground and brutally assaulted him with Lathi, Danda, Kick and seriously injured. He was taken to Jalley Referral Hospital where he was referred to D.M.C.H. and on the way to D.M.C.H. Naresh Yadav @ Ram Naresh Yadav @ Sutta, brother of the informant, died.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The alleged occurrence is alleged to have taken place due to petty reason. Brick-batting is said to have taken place at the time of occurrence. The deceased had sustained injuries in course of brick-batting. The petitioner no. 2 is a lady. There was no intention to commit murder of the deceased.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory 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 A.C.J.M.- I, Darbhanga, in connection with Jalley P.S. Case No. 78/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

