

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60372 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- TILAUTHU District- Rohtas

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1. Krishna Mahto,
 2. Sudama Mahto, Both Sons of Bajrangi Singh @ Bajrangi Mahto, Resident Mohalla Civil Lines, Sant Paul School Road, Sasaram (Takiya) P.S.- Sasaram (Model), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Sri Anant Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 30-10-2018 The petitioners apprehend their arrest in connection with Tilauthu P. S. Case No. 27 of 2018, dated 29.06.2018, instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

The wife of the deceased has alleged that while the deceased along with his daughter was going on a motor-cycle to reach her daughter to school, the petitioners and two others ambushed him and ultimately killed him. On the sound of firing and on cries raised by the daughter of the deceased and the informant, many people arrived at the place of occurrence. The informant also is alleged to have come to the place of occurrence and she was told by the deceased before his death that the petitioners also were amongst four persons who have



ambushed him.

Learned counsel for the petitioners, however, has submitted that the aforesaid statement in the F.I.R. is incorrect, in as much as in her 164 statement, the informant has stated that she did not name anybody and was made to sign on a blank piece of paper, which ultimately was converted into an F.I.R. She has suspicion over no one.

It has also been argued that the daughter of the deceased was constantly accompanying him. It appears to be rather surprising that if the deceased was fired at while he was riding a motor-cycle with his daughter pillion riding, how the daughter remain unscathed; and secondly, that the daughter of the deceased has not named anybody, even though the petitioners are distantly related to the deceased.

Under such circumstances, the petitioners pray for anticipatory bail.

However, considering the fact that in the F.I.R., the informant has claimed that she heard the name of the assailants from the deceased while he was alive and the petitioners were amongst them, I am not inclined to grant anticipatory bail to the petitioners.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into



account that one of the accused persons in this case has been granted bail and that the informant in her 164 statement has not raised suspicion over anyone, much less the petitioners.

With the aforesaid observation, the anticipatory bail application stands disposed off.

(Ashutosh Kumar, J)

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