

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25417 of 2019

Arising Out of PS. Case No.-106 Year-2000 Thana- BARURAJ District- Muzaffarpur

1. Dharamnath Mahto Son of Dhodha Mahto Resident of Village and P.O.- Jeeta Chapra, P.S.- Sahebganj, District - Muzaffarpur.
2. Lakshman Mahto @ Lachhuman Mahto Son of Bhagnarayan Mahto Resident of Village and P.O.- Jeeta Chapra, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-08-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Baruraj P.S. Case No. 106 of 2000, registered under Sections 302, 201, 379/34 of the Indian Penal Code.

The allegation against the petitioners, as per the F.I.R lodged by wife of the deceased on the basis of Fardbeyan recorded on 11.10.2000 that one person had come to the house of the informant and requested her husband to examine the patient whose bleeding was not being stopped and, thereafter, informant's husband proceeded on his motorcycle but the husband of the informant did not return. It has further been



alleged that later on the informant came to know that her husband has been killed. The dead body of the informant's husband was found by the police having mark of sharp cutting weapon and the informant had raised suspicion against the petitioner no.1, Dharmnath Mahto, that he had committed the murder of her husband and also taken away his motorcycle.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case, inasmuch as there was no eye witness of the occurrence and name of the petitioner no.1 has only come on the basis of suspicion. Learned counsel further submits that petitioner no.2 is not named in the F.I.R. and his name has transpired during the course of investigation.

On the other hand, learned counsel for the State, opposed the prayer for bail and submitted that F.I.R. was lodged in the year 2000 and process under Sections 82 and 83 have already been issued against the petitioners and the petitioners have been declared absconder. This F.I.R. has been lodged 19 years ago and after lapse of 19 years this anticipatory bail is not maintainable.

After having heard learned counsel for the parties and taking into consideration the fact that petitioners are absconders



and process under Sections 82 and 83 have already been issued, accordingly, I am not inclined to grant anticipatory bail to the petitioners.

As such, the present anticipatory bail application is hereby rejected.

(Anil Kumar Sinha, J)

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