

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33424 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- GOBARHIA District- West Champaran

1. RUDAL MAHATO Son of Late Shivan Mahato @ Shiv Mahato Resident of Village- Gobarahiya Done Madarahava Tola, Police Station- Gobarahiya, District- West Champaran.
2. Moti Mahato Son of Late Keval Mahato Resident of Village- Gobarahiya Done Madarahava Tola, Police Station- Gobarahiya, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Gobarahiya P.S. Case No. 01 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 353, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that seven Home Guard Personnel including the informant reached N-28 Campati area of Harnatand forest range during patrolling duty in the morning 4:00 a.m. on 27.01.2019. Among them Home Guard Arjun Yadav was walking ahead to them where they found net which was pulled by them. In the meantime one



Harendra Uraon arrived there and demanded the net then Arjun Yadav asked him to reach office then Harendra Uraon called Rudal Bot and Hari Bot who were carrying axe in their hand and they entered into scuffle. In the meantime 4-5 unknown persons also arrived there having lathi-danda and axe in their hand. They caught Arjun Yadav and Hira Lal Kushwaha and started assaulting them. The informant and others fled away from there and after some time the informant and other Home Guards arrived there and found Arjun Yadav and Hira Lal Kushwaha dead.

It is submitted that there is no specific overt act against the petitioners. They are not named in the F.I.R. Their names have come during investigation in the confessional statement of the co-accused and except that there is no material against them.

Learned APP has opposed the prayer of anticipatory bail of the petitioners. It is submitted that two Home Guard personnel were murdered and in post-mortem doctor found injuries on the persons of deceased caused by sharp cutting weapon.

Considering the facts and circumstances of the case wherein it is found that two persons have been murdered and



sufficient materials have come against the petitioners saying about their involvement in the alleged occurrence in the case diary, this Court is not inclined to grant privilege of anticipatory bail to the petitioners above named. Their prayer is, thus, refused.

(Rajeev Ranjan Prasad, J)

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