

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34306 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- SAHPUR District- Patna

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1. SHAKUNTALA DEVI W/o Lalu Mahto @ Vinay Kumar Resident of Village-Sikarpur, P.S.-Shahpur, District-Patna.
 2. Lalu Mahto @ Vinay Kumar Son of Sri Krishna Mahto Resident of Village-Sikarpur, P.S.-Shahpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-05-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 19-09-2018 in a case registered for the offences punishable under Section 304 of the I.P.C. Later on, Sections 302/34 of the I.P.C were added.

The prosecution case as per the written report of Arun Rai submitted to the SHO, Sahpur police station is to the effect that on 07-06-2018, the informant submitted an application before the Sahpur police station about missing of his daughter namely Anshu Kumari, on being traced out, she disclosed that she was being enticed away by Saroja Devi, Juli Devi and she was staying at the house of Juli Devi. Thereafter, the informant narrated the incidence to his nephew Chandan Kumar.



Subsequently, Chandan Kumar along with others including the victim Mulayam went to Saroja Devi and made protest. Thereafter, Saroja Devi along with the petitioners and their three sons attacked the nephew of the informant, in the mean time, Bablu Mahto and Ashok Mahto also arrived and they also assaulted the victim Mulayam, Chintu Kumar, Chandan Kumar and Tyagi Kumar. The victim Mulayam was assaulted by the petitioners, as a result, Mulayam died. The accused persons also pelted stones.

It is submitted by learned counsel for the petitioners that the accusation of assault is not being corroborated by the medical opinion and post-mortem report does not suggest any injury. It is further submitted that actually, the victim along with others went to assault Saroja Devi after entering into her house. They started loot of articles in her house and in course of the same, the deceased fell into the well while fleeing away. It is further submitted that the petitioner no. 1 lodged Shahpur P.S. Case No. 75 of 2018, thereafter, the present case has been registered. It is also submitted that co-accused Bablu Mahto and Ashok Mahto have been granted bail by Cr. Misc. No. 4759 of 2018, whereas co-accused Saroja Devi has been granted anticipatory bail vide Cr. Misc. No. 59644 of 2018.



Learned counsel for the informant submits that in the bail order of Bablu Mahto some factual error has crept in, hence merit of the case has not been considered. It is further submitted that the petitioners are named in F.I.R. with specific accusation.

Considering the fact that the accusation of assault being corroborated by any medical opinion and the similarly situated co-accused have been granted bail coupled with the period in custody, 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 the learned 7th Additional Sessions Judge, Danapur, Patna in connection with Shahpur P.S. Case No. 176 of 2018.

(Dinesh Kumar Singh, J)

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