

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55035 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- HUSSAINGANJ District- Siwan

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1. Keshwar Mahato @ Keshwar Mahto @ Keshaw Mahto, Son of Habu Mahto,
 2. Nagendra Mahto @ Nagendra Kumar Mahto, Son of Birendra Mahto, Both resident of Village- Hasanpura, Nonia Tola, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the State	:	Mr. C. Jawahar, APP
For the informant	:	Mr. Anil Kumar Tiwary.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 21-01-2019 Heard learned counsel for the petitioners and learned APP
for the State.

Counsel for the petitioners is permitted to make correction in the light of statement made in supplementary affidavit in paragraph 3 of the application in course of the day.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 302, 504 and 506 of the Indian Penal Code.

The prosecution case, in short, is that on a trivial issue, the accused persons came to the house of the informant and when her husband went out of the house, the accused persons variously armed assaulted him due to which he sustained injuries and later succumbed to the injuries.

It has been submitted on behalf of the petitioners that the



petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The informant is not an eye witness to the alleged occurrence as per her statement in the F.I.R. General and omnibus allegation has been made against the petitioners. No specific overt act has been alleged against the petitioners.

On behalf of the State and the counsel for the informant, it is submitted that the petitioners are named in the F.I.R. The daughter of the deceased is the eye witness to the alleged occurrence. Her statement has been recorded in paragraph 31 of the case diary in which she has categorically stated that the accuseds including the petitioners had assaulted the deceased and the deceased succumbed to the injuries caused by the accused persons.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Prayer is rejected. If the petitioners surrender in the Court below and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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