

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59268 of 2019**

**In**  
**CRIMINAL MISCELLANEOUS No.52359 of 2019**

Arising Out of PS. Case No.-108 Year-2014 Thana- SAHPUR District- Patna

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1. SUDAMA MAHTO, S/o Beni Mahto @ Shivdani Mahto  
2. Ashok Mahto, S/o Beni Mahto @ Shivdani Mahto, Both R/o village -  
Daudpur Bind Toli, P.O. + P.S. - Sahpur, District - Patna
- ... .. Petitioner/s
- Versus
- The State of Bihar
- ... .. Opposite Party/s
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**Appearance :**

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate  
For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      25-09-2019                      Heard.

The petitioners were allowed bail in connection with Shahpur P.S. Case No. 108 of 2014, a case under Sections 304B and 201/34 of the Indian Penal Code on 26.08.2019 in Cr. Misc. No. 52359 of 2019. The bail was granted because submission was that husband of the victim was already in jail and the petitioners are brother of the father of the husband.

The order was specific that if the husband of the victim is already in jail, the bail bond of the petitioners would be accepted by the learned court below.

Now it has been informed that husband of the victim is not in jail, therefore, the petitioners cannot be released in pursuance of order dated 26.08.2019 above.



The petitioners are at liberty to renew fresh prayer for bail after framing of the charges.

The learned court below is directed to frame the charge against the petitioners at the earliest even after separating the trial of the petitioners.

Let this order be communicated to the Court of learned 1<sup>st</sup> Additional Chief Judicial Magistrate, Danapur in connection with Shahpur P.S. Case No. 108 of 2014.

Accordingly, this application stands disposed of.

**(Birendra Kumar, J)**

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