

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68808 of 2018

Arising Out of PS. Case No.-108 Year-2018 Thana- BARH District- Patna

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1. Nitish Kumar, Son of Ram Lal Mahto.
 2. Pankaj Kumar, Son of Ramlal Mahto,
Both resident of Village- Nadama, Police Station- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Asharaf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-01-2019 Heard learned counsels for the petitioners and learned
APP for the State.

Petitioner no.1 is languishing in custody since 12.06.2018 and petitioner no.2 is languishing in custody since 08.06.2018 in a case registered for the offences punishable under sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 10.04.2018 submitted by Chandan Kumar to the Station House Officer, Barh Police Station to the effect that on 09.04.2018, the informant's parents and his younger sister went to the Village-Nadawa for agricultural purposes and at about 10.30 A.M. one co-villager informed the informant that his father has been assaulted by co-accused



Ramlal Mahto, Kanti Devi, Gauri Devi and the petitioners Nitish Kumar and Pankaj Kumar. On having received such information, the informant reached there and took his father to Sub-Divisional Hospital, Barh from where his father was referred to PMCH, where the doctor declared him dead.

It is submitted by learned counsel for the petitioners that the informant is not an eye witness to the occurrence and he has not disclosed the name of the co-villager who informed about the occurrence of assault. During course of investigation, not a single witness has been examined. It is further submitted that the petitioners are agnates of the informant and in the background of land dispute, the accusation has been levelled against the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that though there is specific accusation against the petitioners and others to have assaulted the father of the informant, but there is no eye witness to the occurrence.

Considering the fact that the accusation is based merely on suspicion, as there is no eye witness to the occurrence, let the above named petitioners 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 learned ACJM, Barh, Patna, in connection with Barh P.S. Case No.108/2018.

(Dinesh Kumar Singh, J)

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