

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80116 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- UJIYARPUR District- Samastipur

1. Dharmendra Kumar Mahto
2. Arvind Kumar Mahto
Both are Sons of Jagdish Mahto, Resident of Village - Gaddopur, P.S.- N.H.
Bangra, District – Samastipur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Opposite Party/s : Mr.Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-01-2019 Heard both sides.

The petitioners apprehend their arrest in Ujiarpur P.S.
Case No.207 of 2018 registered under Sections 307 and 34 of
the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that on 29.08.2018 in the night
while he was sleeping at his door, he received gunshot injury in
his abdomen and when he got up, he saw Dharmendra Kumar
and Arvind Kumar fleeing away on a motorcycle. On alarm, his
brother came and took him to the hospital for treatment.

Learned counsel for the petitioners submits that the
petitioners are brothers-in-law of elder brother of the informant.
The sister of petitioners filed Mahila P.S. Case No.21 of 2017
under Section 498A and 3/4 of the Dowry Prohibition Act
against Vishwanath Mahto and others including the informant.
The police after investigation, submitted final form. It is further



submitted that the informant was absconding in Mahila P.S. Case No.21 of 2017 and Warrant of Arrest was issued against the informant Ganesh Kumar. On account of this enmity, the petitioners have been falsely implicated in this case but it appears from perusal of F.I.R. as well as the records that the informant made specific allegation that after having received gunshot injury in his abdomen, he got up and saw the petitioners, who happened to be brothers-in-law of his elder brother, fleeing away on a motorcycle. The petitioners are alleged to have threatened the informant and his family members to kill.

Having considered the facts aforesaid and the allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender before the court below, the court below shall consider the prayer of regular bail of the petitioners on its own merit without prejudiced by the order of this court.

(Prabhat Kumar Jha, J)

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