

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2657 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- MARANCHI District- Patna

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Anil Mahto Son of Aoulli Mahto @ Oli Mahto Resident of Village - Simariya
Ghat, Bind Toli, P.S.- Maranchi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302, 147, 148 and 149 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Sogarath Nishad, recorded on 26.07.2019 by Ranjeet Kumar Jha, S.I., Marachi Police Station, is to the effect that on the same day at about 4.00 P.M., co-accused Tuntun Bind accompanied the son of the informant, Arvind Mahto towards to New Kaswa Ganga river, where six accused persons including the petitioner were present there from before and as soon as the son of the informant reached there, all the accused persons including the petitioner started resorted to fire, as a result, the son of the



informant died on the spot. On hearing sound of gunshot, the informant reached on the place of occurrence, but all the accused persons including the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused Tuntun Bind, who accompanied the son of the informant from his house. It is further submitted that the medical opinion does not corroborate the accusation as the accusation of firing is against seven accused persons, whereas only two wounds of entry and three wounds of exit have been found on the body of the deceased. Moreover, the accusation against all the accused persons including the petitioner is omnibus and general. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that informant's son was taken away by co-accused Tuntun Bind, whereas all the accused including the petitioner resorted to fire upon the son of the informant.

Considering the fact that accusation is not being corroborated by the medical opinion and from the fardbeyan of the informant, it appears that informant is not the eye-witness to the occurrence and the impugned order suggests that during



investigation only circumstantial evidence has been collected against the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Barh (Patna) in connection with Maranchi P.S. Case No. 84 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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