

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6258 of 2020

Arising Out of PS. Case No.-70 Year-2019 Thana- BARAULI District- Gopalganj

1. DINESH MAHATO Son of Chandrika Mahato Resident of Village - Kalyanpur, P.S.- Barauli (O.P. Madhopur), District- Gopalganj
2. Naresh Mahato Son of Chandrika Mahato Resident of Village - Kalyanpur, P.S.- Barauli (O.P. Madhopur), District- Gopalganj
3. Ramratan Mahato @ Ramratan Son of Chandrika Mahato Resident of Village - Kalyanpur, P.S.- Barauli (O.P. Madhopur), District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 376, 302 and 420 of the Indian Penal Code, registered in connection with Barauli (Madhopur O.P.) P.S.Case No. 70 of 2019.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based FIR in connection with the alleged murder of the informant's husband wherein petitioner no.1 along with co-accused Rajesh Mahto tied *gamcha* around his neck and of commission of rape upon her.



4. Learned counsel for the petitioners invites reference to the order of the learned Additional Sessions Judge wherein it has been taken note of that the police in paragraph 20 of the case diary has not found the case of Section 302 IPC and found the case under Section 376 IPC and other allied offences. It is further submitted that in the complaint itself the allegation under Section 376 IPC has specifically been made only against co-accused Rajesh Mahto. No over act whatsoever has been alleged against petitioner nos. 2 and 3. There is inordinate delay of more than 21 months in filing the complaint on 29.01.2019 for the alleged occurrence of 13.04.2017. The petitioners claim clean antecedents.

5. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Gopalganj in connection with Barauli (Madhopur O.P.) P.S.Case No. 70 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:



(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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