

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12068 of 2020

Arising Out of PS. Case No.-49 Year-2018 Thana- AURAI District- Muzaffarpur

=====

SUNDESHWAR MAHTO @ SUDISH MAHTO S/o Chalitar Mandal @
Charitar Mahto R/o village- Sarhanchia, P.S.- Aurai, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Uday Prakash Sharma, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 05-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Aurai P.S. Case no. 49 of 2018 registered under sections 302, 328 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that his son had gone to his in-laws place from where he informed on telephone that his father-in-law, mother-in-law and the entire in-laws family had beaten him up in the night. It is further stated that soon thereafter the informant's *samdhi* (son's father-in-law) informed him on telephone about the death of his son. It is further stated that on reaching there he found all the family members to have disappeared and states that he is



convinced that the four named accused persons including the petitioner herein have a hand in the murder of his son.

It is submitted by learned counsel for the petitioner that so far as the petitioner is concerned, admittedly he is not a member of the family nor does he reside in the said house. It is further submitted that so far as the allegation of assault by the members of the in-laws family of the deceased is concerned, the same is falsified from the postmortem report wherein no antemortem injury was found either externally or internally on the body of the deceased. The petitioner has been falsely implicated in the case on some suspicion having been raised of his having some relationship with the mother-in-law and wife of the deceased. Except for the suspicion raised against him, there is no other material. He has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and on going through the materials on record including the material that has transpired in course of investigation, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in



connection with Aurai P.S. Case no. 49 of 2018, he will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 13th, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

