

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11107 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

1. Dinesh Mahato Son of Late Pundev Mahto Resident of Village - Lalgah Tole Par, P.S.- Shyampur Bhatha, Distt - Sheohar.
2. Bigu Mahato Son of Bindeshwar Mahato Resident of Village - Lalgah Tole Par, P.S.- Shyampur Bhatha, Distt - Sheohar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Hans Lal Kumar, Advocate

For the Opposite Party : Mr.Sanjay Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-06-2020 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307/302 and other allied sections of the Indian Penal Code.

The accusation is that in the evening of 03.04.2019, all of sudden, petitioner no. 1 Bigu Mahto came at the door of the informant and started to abuse and cause assault to the informant. In that course, other F.I.R. named accused including petitioner no.2 also came there and started to abuse to the informant. When Vindeshwar Sahani and Ganesh Sahani, the husband and brother-in-law of the informant respectively rushed to save the informant, then all started to abuse and caused assault to them through lathi and danda. Later on, in course of treatment, Ganesh Sahani, the brother-in-law of the informant died.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to dirty politics. He submits that in fact, informant's husband and other accused persons had assaulted one Arvind Mahto (one of the co-accused persons of the instant case) for which a case has also



been lodged, so to the instant case has been filed by the informant to save skin from the earlier case. The petitioners have no criminal antecedent.

Learned counsel for the State opposes the prayer for bail. He submits that there is allegation that the petitioners and other accused persons, named in the FIR, assaulted the informant's side in which his brother-in-law sustained injuries and died in course of treatment.

Having considered the facts and the circumstances of the case, I am not inclined to grant bail to the petitioners. Their prayer for bail is refused with direction to surrender and seek regular bail which would be considered on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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