

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21219 of 2020

Arising Out of PS. Case No.-257 Year-2018 Thana- DARAUNDA District- Siwan

1. CHANDA DEVI Wife of Dhurendra Mahto Resident of Village- Karinga Kothi, Magaidih, P.S.- Muffasil, District- Chhapra, Bihar.
2. Dhurendra Mahto @ Dhurendhar Mahto Son of Sukhram Mahto Resident of Village- Karinga Kothi, Magaidih, P.S.- Muffasil, District- Chhapra, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Tarun Pd. Mandal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Daraunda PS case no. 257 of 2018 registered for the offences punishable under Sections 302, 201/34 of Indian Penal Code.

The allegation is regarding unknown accused persons having cut the neck of the deceased and having thrown the dead body in the bushes.



The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that neither there is any eye-witness to the alleged occurrence nor the spy has named the petitioners to be having any complicity in the alleged crime. It is further submitted that the petitioners have been falsely implicated in the present case only on account of the confessional statement made by the co-accused person namely Sanoj Kr. Mahato which has got no evidentiary value in the eyes of law. It is further submitted that the said Sanoj Kr. Mahato has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.11.2019, passed in Cr. Misc. no. 64431 of 2019. It is further submitted that one other similarly situated co-accused person has also been granted bail by a co-ordinate Bench of this Court vide order dated 11.12.2019 passed in Cr. Misc. no. 70581 of 2019.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioners with that of the co-accused persons who have already been granted bail, apart from the fact that there is minuscule material on record of the case to connect the



petitioners with the alleged crime, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Siwan in connection with Daraunda PS case no. 257 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

