

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28234 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- BALIYA District- Begusarai

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AKHILESH MAHTO, Son of Ghoghal Mahto @ Gogho Mahto Resident of
Village- Paharpur, P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-12-2020 Heard Mr. S. K. Lal, learned counsel for the

petitioner and Mr. Braj Kishore Prasad, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Baliya P. S. Case No. 28 of
2020 dated 31.01.2020, instituted for the offences
under Sections 302, 307, 120(B) and 34 of the Indian
Penal Code and Section 27 of the Arms Act, 1959.



The husband of the informant is alleged to have been killed by the accused persons including the petitioner. However, from the reading of the F.I.R., it appears that the overt act of assault is attributed to Nand Kishore Mahto, Pappu Mahto and Arjun Mahto and not to the petitioner.

Mr. Lal, learned counsel for the petitioner submits that the petitioner is the youngest member of the family and because of some dispute between the informant's family and the petitioner and others, all the family members of the petitioner have been made accused in this case.

However, considering the accusation, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall not be prejudiced by the fact that the present petition has not been entertained by this Court and shall pass orders in



accordance with law after taking into account that there
is no overt act attributed against the petitioner.

(Ashutosh Kumar, J)

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