

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26356 of 2020

Arising Out of PS. Case No.-385 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. ANIL KUMAR MAHTO @ ANIL KUMAR S/o Ramdas Mahto Resident of Village-Bindusar Hamid, Police Station-Mufassil Siwan, District-Siwan.
2. Santosh Kumar Mahto @ Santosh Kumar S/o Ramdas Mahto Resident of Village-Bindusar Hamid, Police Station-Mufassil Siwan, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2020 Heard Mr. Lokesh Kumar Singh, learned counsel for the petitioner and Mr. Vinod Shankar Modi, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Siwan Mufassil PS Case No. 385/2019 registered for the offence punishable under Sections 302, 120(B)/34 of the IPC.

3. The allegation as per First Information Report, is that while informant was cooking food, the petitioners along with other accused persons arrived at her house and called her son, Israel and took him along with them to cremation ground and when informant along with her elder son, Rabubuddin started searching her son, Israel, they found all the accused persons including these petitioners were assaulting her son by



means of Lathi, Danda and sword, as a result of which, son of the informant died at the place of occurrence itself.

4. Learned counsel for the petitioners submits that the occurrence has allegedly, taken place on 13.10.2019 but the FIR has been lodged after delay of three days i.e., on 16.10.2019 without any reasonable explanation. Learned counsel further submits that inquest report shows that it was prepared on 13.10.2019 before lodging of the FIR.

5. Learned counsel for the State, on the other hand, submits that there is specific allegation against the petitioners and other accused persons that they took the son of the informant to the cremation ground and in the close proximity of the same, the dead body of the son of the informant was found on the same day. Learned counsel further submits that the investigation is going on and the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the dead body of the son of the informant has been found in the close proximity with the time when the son of the informant had gone along with the petitioners and other accused persons, I am not inclined to grant anticipatory bail to the



petitioners. The same is, hereby, rejected.

(Anil Kumar Sinha, J)

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