

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70758 of 2019

Arising Out of PS. Case No.-144 Year-2015 Thana- GARKHA District- Saran

1. SUNIL MAHTO Son of Din Deyal Resident of Village - Farusa, P.S.- Garkha, Distt.- Saran at Chapra.
2. Din Deyal Mahto Son of Nihora Mahto Resident of Village - Farusa, P.S.- Garkha, Distt.- Saran at Chapra.
3. Nihora Mahto Son of Late Ami Mahto Resident of Village - Farusa, P.S.- Garkha, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sessions Trial No.573 of 2015, arising out of Garkha P.S. Case No.144 of 2015, registered under Sections 302/34 of the Indian Penal Code.

The accusation is that six persons, named in the F.I.R., including the petitioners started to cause assault to Sidhant Kumar Misra, the son of the informant Sri Niwash Misra alias Pappu Misra, through fists and slaps and pelting bricks, due to which the son of the informant sustained injury and died in



course of treatment.

Learned counsel for the petitioners submits that while the petitioners along with Niraj Mahto, Bhardul Mahto and Manati Devi are named in the F.I.R. but, on investigation, the police submitted the charge-sheet only against Niraj Mahto and Bhardul Mahto and also submitted the final form against the petitioners and Manati Devi. The cognizance taking court also took the cognizance of the offence only against Niraj Mahto and Bhardul Mahto but, in course of trial bearing Sessions Trial No.573 of 2015, the petitioners and Manati Devi were also summoned under Section 319 of the Code of Criminal Procedure. Further submission is that Manati Devi, who was also summoned along with the petitioners, has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 26.11.2019 passed in Criminal Misc. No.71602 of 2019. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions



Judge, Saran at Chapra, in connection with Sessions Trial
No.573 of 2015, arising out of Garkha P.S. Case No.144 of
2015, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

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