

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79378 of 2019

Arising Out of PS. Case No.-267 Year-2018 Thana- CHIRAIYA District- East Champaran

1. RAM EKBAL MAHTO Son of Aalha Mahto
2. Rajendra Mahto Son of Late Sevak Mahto
sons of Late Sevak mahto
3. Rudal Mahto Son of Late Lakshan Mahto

All Resident of Village - Kolasi, P.S.- Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 302 of the Indian Penal Code.

Informant has alleged in her written complaint that on 14.07.2018 due to some disputes between children FIR named accused Allaha Mahto , Ram Kali Devi, Indu Devi, Krishnanada Mahto, Ram Ekbal Mahto, Rajendra Mahto and Rudal Mahato started assaulting her daughter Chanda Kumari aged about 13



years by slaps and fists and on receiving said information she rushed to the place of occurrence where saw Allaha Mahto, Ramkali Devi, Indu Devi, Krishnanadan Maht all were assaulting her daughter by fists, leg and slaps. Allegation against petitioners, Ram Ekbal Mahto, Rajendra Mahto and Rudal Mahto is that they caught hold of the informant, however villagers subsequently assembled and they fled away and she took her daughter in the state of unconscious where she was declared dead.

It has been submitted on behalf of the petitioners that there is no allegation of any assault caused by the petitioners to the deceased. They have been implicated in this case only because they are related to accused Allaha Mahto. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Chiraiya P.S. Case No. 267 of 2018, subject to the condition as laid down



under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bond.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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