

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86731 of 2019

Arising Out of PS. Case No.-24 Year-2016 Thana- CHACKMEHSI District- Samastipur

Upendra Mahto Son of Kusheshwar Mahto Resident of Village - Khanpur,
Ward No. 2, Harpur Shyam, Khanpur, P.S.- Khanpur, District- Samastipur
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks anticipatory bail in C.R. No. 2325 of
2017 arising out of Chak Mehashi P.S. Case No. 24/2016 in
which cognizance has been taken for the offence punishable
under Sections 302, 201/34 of the Indian Penal Code.

It would appear from perusal of record that, initially,
on 20.3.2016 complainant lodged Chak Mehashi P.S. Case No.
24 of 2016 levelling allegation of committing murder of her son
by petitioner and other FIR named accused persons. However,
after investigation, police submitted final form showing
insufficient evidence but complainant filed protest petition and
the learned court below proceeded on the aforesaid protest
petition against the petitioner and others accused.



Learned counsel appearing for petitioner submits that, admittedly, the informant as well as other prosecution witnesses are not eye witnesses of the alleged occurrence and the deceased died at his matrimonial home. Furthermore, it is admitted position that the deceased died on 19.3.2016 and information regarding the death of the deceased was given to complainant and she came at matrimonial home of the deceased on the same day. Furthermore, it is an admitted position that the dead body of the deceased was cremated in presence of informant but it is, surprisingly, enough that she lodged first information report on 20.2.2016, i.e., next date of the alleged occurrence.

Learned Additional Public Prosecutor opposed the prayer submitting that it is a serious case of Section 302 of the Indian Penal Code and, admittedly, the dead body of the deceased has also been disposed of.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate 1st /concerned court in
C.R. No. 2325 of 2017 arising out of Chak Mehashi P.S. Case
No. 24/2016 subject to conditions as laid down under Section
438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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