

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26645 of 2020

Arising Out of PS. Case No.-249 Year-2019 Thana- DIGHWARA District- Saran

1. Krishna Mahto Son of Jang Bahadur Mahto
2. Shiv Nath Mahto Son of Ganga Mahto
Both Resident of Village- Kasmar, P.S.- Sonapur, District- Saran.
3. Mukesh Mahto Son of Awadhesh Mahto
4. Doman Mahto Son of Surendra Mahto
5. Ram Awatar Mahto Son of Jamuna Mahto
6. Anil Sahani Son of Late Ram Balak Sahani
7. Laxman Rai Son of Late Gopal Rai
8. Jai Kishun Paswan Son of Satrugan Paswan
Resident of Village- Saidpur, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Dighwara P.S. Case No.249 of 2019, registered for the offences punishable under Sections 147/148/149/302 of the Indian Penal Code.

Though the informant is not an eyewitness of the occurrence of murder of her husband. However, in the FIR she claims that some villagers had reported that the petitioners and



others had assaulted with lathi to her husband as a result whereof he died. Before the police some of the villagers have supported the allegation against the petitioners and others as eyewitness of the occurrence.

Learned counsel for the petitioners submits that para-38 would reveal that the informant had given a written application to the Superintendent of Police raising suspicion against other persons who were involved in illegal mining of sand and the deceased was opposing the act of illegal mining. However, sanctity of the statement in para-38 or of that statement is not available on the record.

Considering the statement of eyewitness against the petitioners, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused.

(Birendra Kumar, J)

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