

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34596 of 2020

Arising Out of PS. Case No.-135 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. ABHIMANYU MAHTO @ MANNU Son of Hareram Mahto Resident of Village- Laxminiya, Police Station Saurbazar, District- Saharsa.
2. Rajan Mahto Son of Hareram Mahto Resident of Village- Laxminiya, Police Station Saurbazar, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate Mr. Dinesh Maharaj, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Suraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-02-2021 Heard Mr. Satish Kumar Singh, learned counsel for the petitioners and Mr. Suraj Kumar for the informant. The State is represented by Mr. Ganesh Prasad Singh, the learned APP for the State.

The petitioners seek bail in connection with Saur Bazar P.S. Case No. 135 of 2020 dated 20.03.2020 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

According to the FIR, the deceased was seen by his father in the night but shortly thereafter, he was called by petitioner no. 1 and another and a day after, his dead body was recovered. The informant, therefore, has suspected the hands of many other persons of the



village including the petitioners.

Learned counsel for the petitioners has submitted that though petitioner no. 1 is said to have called the deceased in the night for going to some place but there is no eye witness to the occurrence.

During the entire investigation, the only material which has come to light is that the deceased was a petty thief and only because he was a co-villager, nobody did anything to him. Many a times, after stealing small articles from the houses of co-villagers, the deceased used to return the same also after 4 – 5 days.

The investigation papers further reveal that on the night of the occurrence, there was a commotion in the village as theft of cattle was being attempted. In the process, many villagers arrived and assaulted the suspected thief who unfortunately was the deceased.

Though, several persons have been named in the FIR but on deeper probe, the investigator found that some of those persons were residing outstation for earning their livelihood.

There is a vague reference of the petitioners having assaulted the deceased after tying him which perhaps led to his death on account of asphyxia. However, there is no direct evidence on the aforesaid issue.



The petitioners are in custody since 08.06.2020.

Regard being had to the aforestated facts and the period of custody of the petitioners, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saur Bazar P.S. Case No. 135 of 2020.

(Ashutosh Kumar, J)

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