

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2399 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. Birendra Mahto Son Of Late Kapil Mahto Resident Of Village - Salempur, P.S.- Sidhwali, Distt.- Gopalganj.
2. Mantosh Mahto Son of Late Kapil Mahto Resident of Village - Salempur, P.S.- Sidhwali, Distt.- Gopalganj.
3. Sonu Kumar Son of Birendra Mahto Resident of Village - Salempur, P.S.- Sidhwali, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

9 14-12-2022 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 341, 323, 324, 307, 364, 506, 504/34 of the

Indian Penal Code. Subsequently Sections 302, 201

I.P.C was also added.

It is alleged by the informant that in the

background of some petty dispute, all the F.I.R named

accused persons including the petitioners tied hands and



legs of the son of the informant namely Ajay Sahani and made assault and when the informant came to his rescue, petitioner No. 2 inflicted knife blow, as a result of which, she sustained cut injury on her hand. The accused persons again came in the night, assaulted the informants' side and took her son with them. The son of the informant was thereafter found dead and his dead body was recovered from the river.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. There is no eye witness to the occurrence and the dead body was recovered from the river and as per postmortem report, the death is due to asphyxia in a case of drowning. The petitioners' side has also lodged a case against the informant's side at earlier point of time.

Learned counsel appearing on behalf of the informant and learned A.P.P for the State have



vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the inquest report of the deceased is annexed in para 18 of the case diary which suggests that legs and hands of the deceased were tied with rope which corroborates the version of the informant. During investigation, the witnesses have supported the case of the prosecution.

In the facts and circumstance of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer for grant of anticipatory bail to the petitioners stands rejected.

The petitioners are directed to surrender before learned Court below and pray for regular bail. The regular bail of the petitioners may be considered by the learned Court below without being prejudiced by the order of this Court.

(Sunil Kumar Panwar, J)

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