

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22703 of 2021

Arising Out of PS. Case No.-499 Year-2015 Thana- TURKAULIYA District- East
Champaran

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BIPAN MAHTO, aged about 46 years (Male), S/o Sat Narayan Mahto, R/o
Village- Saphi Sagar Tola, P.S.- Turkaulia, Dist- E. Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dhannjay Kumar No. 2, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Turkauliya P.S. Case No. 499/2015 for the offence
registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that while the
informant's nephew was going to attend his class on *Bicycle*, in
the meantime, a she-goat was dashed by the said *Bicycle* and
due to that dispute, on 25.06.2015 at about 11.30 P.M., all the
accused persons including the petitioner came and



started assaulting his mother Mostt. Pankali, and then after seeing him, they fled away and during the course of going hospital, she died near *Chandmari Railway Gumti*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case for oblique reason. In course of investigation, the case has been found to be false against the petitioner. The police has submitted final form against the petitioner but the learned court below differed with the same and took cognizance against the petitioner. Hence, the present application has been filed.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran at Motihari, in



connection with Turkauliya P.S. Case No. 499/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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