

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25770 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- SALAKHUA District- Saharsa

1. Anandi Mahto S/o - Maksudan Mahto Resident of Village- Chanan, P.S.- Salkhua (Chiraiya OP), District- Saharsa.
2. Suresh Mukhiya Son of Kamal Mukhiya Resident of Village- Chanan, P.S.- Salkhua (Chiraiya OP), District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, petitioner no. 1 opened fire which hit the chest of husband of informant who instantly died on the spot. So far as petitioner no. 2 is concerned, there is general and omnibus allegation.

It is submitted that petitioners have been falsely implicated in this case due to previous enmity. There is general



and omnibus allegation.

Considering the fact that there is general and omnibus allegation against Suresh Mukhiya petitioner no. 2 and no specific overt act has been alleged against him, Suresh Mukhiya petitioner no. 2, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Saharsa in connection with Salkhua P.S. Case No. 159 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Anandi Mahto petitioner no. 1 is concerned, there is specific and direct allegation of firing causing death of husband of informant on the spot, I am not inclined to enlarged him on anticipatory bail.

Accordingly, the prayer for anticipatory bail with respect to petitioner no. 1 stands dismissed.

(Prabhat Kumar Singh, J)

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