

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38127 of 2022

Arising Out of PS. Case No.-33 Year-2020 Thana- MIRGANJ District- Gopalganj

1. UMA SHANKAR MAHATO @ UMASHANKAR MAHATO @ SARAL MAHATO SON OF JADULAL MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
2. MANOJ MAHATO SON OF UMA SHANKAR MAHATO @ UMASHANKAR MAHATO @ SARAL MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
3. SANTOSH MAHATO SON OF UMA SHANKAR MAHATO @ UMASHANKAR MAHATO @ SARAL MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
4. RAJESH MAHATO SON OF UMA SHANKAR MAHATO @ UMASHANKAR MAHATO @ SARAL MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
5. URMILA DEVI WIFE OF UMA SHANKAR MAHATO @ UMASHANKAR MAHATO @ SARAL MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
6. SABITRI DEVI WIFE OF BHISHAM MAHATO RESIDENT OF VILLAGE- JIGANA JAGARNATHA, P.S.- MIRGANJ, DISTRICT- GOPALGANJ
7. VINOD MAHATO SON OF LATE RADHA KRISHNA MAHATO RESIDENT OF VILLAGE- DEVAPUR TOLA, P.S.- MANJHAGARH, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to



remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 307, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners and the post-mortem report is also not supported the prosecution case. He submits that the occurrence took place on 14.04.2019 but the F.I.R. lodged on 02.09.2019 after a delay of four and a half months which creates serious doubt on the prosecution case. He submits that earlier the brother of the deceased has filed a case as Taraiya Suzan P.S. Case No. 227/2019 under Section 279 and 304-A of the Indian Penal Code for the road accident of his brother, namely, Mithun Kumar. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mirganj P.S. Case No. 33 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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