

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15476 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- BEERPUR District- Begusarai

1. KRISHNA NANDAN MAHTO @ KISHAN MAHTO S/O RAM BAHADUR MAHTO @ BAHADUR MAHTO R/O VILAGE-BARAHARA, P.S- BIRPUR, DISTT.- BEGUSARAI.
2. VISHNU KUMAR @ VISHNU MAHTO S/O SHIVDANI MAHTO R/O VILAGE- BARAHARA, P.S- BIRPUR, DISTT.- BEGUSARAI.
3. RAM SEWAK MAHTO @ SEWAK MAHTO S/O VILOCHAN MAHTO R/O VILAGE- BARAHARA, P.S- BIRPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 342, 302 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 01.05.2023, the informant got information from villagers that his son along with other co-accused persons are involved in attempt of murder of one Sukhram Mehta. Thereafter, due to fear, she left her house and managed to escape. It is further alleged that on 02.05.2023, at about 06:00 am, the informant came to know that



her son, namely, Saurabh Mahto, has been assaulted by some persons of the locality of the informant and was left in injured condition. Thereafter, son of the informant was brought to the hospital for treatment and during his treatment he died.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. From bare perusal of the FIR, it is evident that there is no eye witness in the present case. The names of the petitioners have been transpired in the present case merely on suspicion. The real fact is that the deceased, son of the informant, was a notorious criminal of the area and he succumbed to death due to group rivalry. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from bare perusal of the FIR, it is evident that the names of the petitioners have been transpired in the present case merely on suspicion, let the above named petitioners, be



released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Birpur P.S. Case No. 64 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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