

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22403 of 2024

Arising Out of PS. Case No.-113 Year-2018 Thana- OBRA District- Aurangabad

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1. Radhe Mahto @ Raghe Mahto @ Radha Raman Matho Son Of Jadul Mahto
 2. Sumer Kumar @ Sumer Mahto Son Of Jadul Mahto
 3. Suryadeo Mahto Son Of Late Makun Mahto
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 302 of the IPC and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submit that
petitioners are the person with clean antecedent. It is next
submitted that the informant instituted the instant FIR against
unknown alleging therein that on 19.05.2018 at 10:00 AM, his
mother had gone to Obra Bazar to purchase medicine for
buffalo, thereafter, at 10.30 AM the informant went to the
market to purchase medicine for his father, when on the way
near a railway bridge he saw some persons have assembled,



accordingly he went to the place of occurrence and found that dead body of his mother was lying with firearm injury on right side of her chest.

4. The learned counsel submits that FIR was against unknown and the name of the petitioners transpired during the course of investigation in the confessional statement of Lalan Thakur. It is next submitted that based on the confessional statement the petitioners came to be implicated and the police thereafter carried a threadbare investigation and came to a considered conclusion that petitioners are innocent and thus submitted Final Form No.116 of 2021 dated 14.06.2021 exonerating the petitioners of the allegation. It is further submitted that charge sheet implicating Lalan Thakur came to be submitted. It is further submitted that the learned trial court in a mechanical manner diferring with the police report took cognizance of the offence under Section 302 of the IPC read with other sections against the petitioners, thus petitioners apprehend their arrest. It is next submitted that once an investigating agency based on a threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for this Court to send the petitioners to jail based on cognizance which has been taken based on the same



investigation, based on which final form was submitted.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar in connection with Obra P.S. Case No.113 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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