

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64017 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- BHADAUR District- Patna

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1. Chandramauli Mahto @ Chandramauli Kumar S/o Sadhusharan Mahto R/o vill - Motibigha, P.S. - Bhadaur, Distt. - Patna
 2. Sadhusharan Mahto S/o Late Rameshwar Mahto R/o vill - Motibigha, P.S. - Bhadaur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 05-10-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bhadaur PS case no. 41 of 2024, disclosing offences punishable under Sections 314, 323, 304/34 of the Indian Penal Code.
3. At the outset, learned counsel for the petitioners submits that petitioner no. 2 i.e. Sadhusharan Mahto has been arrested during pendency of the present petition.
4. Accordingly, the present application stands dismissed as having become infructuous *qua* petitioner no. 2



and now, this application survives only for petitioner no. 1.

5. The prosecution story, as per the First Information Report, is that on 22.04.2024, the informant was outside of his village and when he came back on 23.04.2024, he saw that his wife was writhing in pain. Upon asking, she told that while she was doing her household work, she was abused by co-accused Saro Devi and on protest, petitioner no. 1 came there and started assaulting her and threw her on the road, as a result of which, she sustained injury on her head. Petitioner no. 2 Sadhusharan Mahto assaulted her by lathi and danda. It has further been alleged that thereafter, informant went to Barbigaha for treatment of his wife, from where, she was referred to Barh and lastly referred to Patna. During treatment, his wife died on 29.04.2024.

6. Learned Counsel for the petitioner no. 1 submits that petitioner has falsely been implicated in this case due to land dispute between the parties. Petitioner no. 1 is nephew of the informant and petitioner no. 2 is own brother of the informant. Learned counsel further submits that the informant's wife was suffering from disease from before and during course of treatment, she died and due to malafide



intention, the informant has lodged this case, falsely implicating the petitioner and others. He also submits that from perusal of the First Information Report, it is evident that the occurrence has taken place on 23.04.2024 but the F.I.R. has been lodged after delay of 08 days i.e. on 02.05.2024 and during this period, the police was not informed and after cremation of the dead body without post mortem, the F.I.R. has been lodged.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is delay of about 08 days in lodging the F.I.R., Police was not informed about the occurrence during the interregnum period and F.I.R. has been lodged without conducting post mortem and after cremation, I am inclined to grant the privilege of anticipatory bail to petitioner no. 1.

8. This application is, accordingly, allowed.

9. Let petitioner no. 1, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st



class, Barh, Patna in connection with Bhadaur PS case no. 41
of 2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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