

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40036 of 2016

Arising Out of PS.Case No. -1114 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
- 1. Masomat Meena Devi Wife of Late Yamuna Mahto
 - 2. Rajeev Kumar @ Rajeev Ranjan Kushwaha Son of Late Yamuna Mahto
Both R/o village - Rusulpur, P.S. Mejorganj, District Sitamarhi
 - 3. Jang Bahadur Mahto Son of Late Kodo Mahto
 - 4. Surendra Mahto Son of Jang Bahadur Mahto All R/o village -
Pachharwa, P.S. Mejorganj, District Sitamarhi

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Ramadhar Mahto Son of Late Thakur Mahto R/o village - Pachharwa,
P.S. Mejorganj, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.
Mr. Ashok Kumar Jha, Advocate
For the State Mr.Shailendra Kumar-1, A.P.P.
For the Opposite Party/s : Mr. Hansul Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the Opposite party No. 2 and

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with

Majorganj P.S.Case No. 169 of 2012 as well as Protest Cum-

Complaint Case No. C1-1114 of 2013 registered for offences

punishable under Sections 302 and 201 and 120 B of the Indian

Penal Code.

The prosecution case as lodged by the informant,

opposite party No. 2, Ramadhar Mahto is that his elder brother

was issueless and taking the advantage, all the accused persons got

registered his land without any consideration money fraudulently and due to dispute regarding considering money, petitioners committed the murder of Rajendra Mahto (deceased) in the night of 3/4-11-2012

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the case due to personal rivalry. He further submits that the matter was investigated by the police and final form was submitted in which the case was found to be not true as the deceased was found to have died a natural death. It has been submitted by the learned counsel for the petitioners that the intention of the informant being the step brother was to grab the land, which was registered in the name of the petitioner No. 2 and the complainant has filed a complaint case in which the learned Court below has taken cognizance. He accordingly, submits that no fruitful purpose will be served, if the petitioners are taken into custody. The police have already submitted final form after investigation of the case and there is no question of tampering with the evidence or influencing the witnesses in any manner.

However, learned counsel appearing on behalf of the informant submits that the enquiry has been conducted and the petitioners and the Magistrate has taken cognizance as during investigation witnesses have supported the case of the informant/complainant and therefore, opposes the prayer for bail.

Learned A.P.P. for the State submits that the case has been found not true by the police but cognizance has taken against them by the learned Court below, hence, opposes the prayer for bail.

Be that as it may, since the petitioners were not sent up for trial and the allegation against these petitioners having been found untrue, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S. Case No.169/2012 as well as Protest cum-Complaint Case No. C1-1113 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that the petitioners will co-operate with the investigation and would appear before the police/Court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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