

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23292 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KASMA District- AURANGABAD

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Deoraj Mahto, Son of Brahmdeo Mahto, Resident of Village- Apaki, P.S.- Kasma,
District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B. J. Ojha, Advocate

For the State : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kasma P.S. Case No. 12 of 2017 dated 20.02.2017 instituted under
Sections 363/365/34 of the Indian Penal Code.

3. The allegation against the petitioner and four others is
of abducting the husband of the informant who was also the brother of
the petitioner.

4. Learned counsel for the petitioner submitted that there



is only bald allegation of there being some land dispute between the parties. Learned counsel submitted that he is the elder brother of the husband of the informant and is quite old in age. He further submitted that as has come during investigation, it was specifically Manoj Yadav who is friend of Upendra Mahto, who was pressurizing the husband of the informant to return the land which he had purchased. Learned counsel submitted that even if it is accepted that the accused were exerting pressure on the husband of the informant to return the land but by killing him, no purpose would have been served, as the land could not have been transferred to them had the person himself not been alive. Learned counsel submitted that at best, the reason was for the son of Upendra Mahto namely, Santosh Mahto and his friend Manoj Yadav, who have also been named by various witnesses. Learned counsel submitted that today a co-ordinate Bench has granted anticipatory bail to co-accused Surendra Mahto in Cr. Misc. No. 24192 of 2017. It was further submitted that the petitioner has clean antecedent.

5. Learned A.P.P. from the case diary submitted that the witnesses have stated with regard to there being pressure on the husband of the informant to return the land bought by him.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of



arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Aurangabad in Kasma P.S. Case No. 12 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Anjani/-

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