

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15915 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -COMPLAINT CASE District- SHEOHAR

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1. Bhupendra Kumar son of Hanslal Mahto,
 2. Hanslal Mahto, son of Faujdar Mahto, Both residents of Village – Rupwara, P.S. Tariyani, Distt. Sheohar,
 3. Rambali Mahto, son of late Anutha Mahto, R/o Village Tole Barahi Chantaman, P.S. Mejarganj, Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Harishankar Mahto, son of Ramchandra Mahto, R/o Village Rupwara, P.S. Tariyani, Distt. Shiohar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajni Kant Pandey, Advocate.
For the State : -----
For the Complainant: Mr. Alok Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-06-2017 Heard Sri Rajni Kant Pandey, learned counsel for the petitioner, and Sri Alok Kumar Jha, learned counsel representing the complainant.

No one appears for the State.

The petitioners in the present case are apprehending their arrest in C1-175 of 2016, Tr. No. 1276 of 2016 for the alleged offence punishable under Sections 341, 392 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present petitioners and the complainant are co-sharers and admittedly they are fighting over a partition of property. He



further submits that Hans Lal Mahto and the father of the complainant Ram Chandra Mahto are own brothers. Learned counsel has referred the impugned order to show that earlier the petitioner no. 2 had lodged a case being Tariyani P.S. Case No. 89/16 against said Ram Chandra Mahto, Shiv Shankar Mahto and Hari Shankar Mahto under Sections 341, 323, 379, 504, 506 read with Section 34 of the Indian Penal Code and in the said case they are on bail. He would further submit that the present complaint case is containing a concocted story; one of the witnesses in the list of witness of the complaint petition is Shiv Shankar Mahto, who is own brother of the complainant, and both the brothers are accused in the case filed by the petitioner no. 2. He further submitted that the petitioner no. 1 is a student studying at Sitamarhi, the petitioner no. 2 is an old man, aged about 70 years, and the petitioner no. 3 is in government service. There is no criminal antecedent of these petitioners and the manner in which the present complaint has been lodged, it is apparent that the complainant has indulged in false implication of the entire family of the petitioners.

Learned counsel for the complainant opposed the prayer for anticipatory bail submitting that a *prima facie* case has been made out against them. He, however, does not deny that the



parties belong to the same family and being co-sharers are fighting litigation over partition of land and that in the earlier case lodged by the petitioner no. 2, the present complainant and his brother who is one of the witnesses, are on bail.

In the facts and circumstances stated here-in-above and considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners, namely, Bhupendra Kumar, Hanslal Mahto and Rambali Mahto, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, Distt. Sheohar in C1-175 of 2016, Tr. No. 1276 of 2016, subject to the conditions under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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