

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59887 of 2018

Arising Out of PS. Case No.-2042 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Satish Mahato @ Satish Bihari Mahato, Son of Baldeo Mahato,
 2. Baldeo Mahato, S/o Ganeshi Mahato
 3. Shambhu Mahato, S/o Late Ganeshi Mahato
 4. Anil Mahato, S/o Shambhu Mahato,
 5. Mithila Bihari Mahato @ Mithila Mahato, S/o Baldeo Mahato
- All Resident of Village- Ketharia, P.S.- Dumara, District-
Sitamarhi ... Petitioners

Versus

1. The State of Bihar.
2. Janakdhari Mahato, S/o Ramdayal Mahato, R/o Village- Kathariya, P.S.
Dumra, District- Sitamarhi ... Opposite Party

Appearance :

For the Petitioners	:	Mr. Alok Kumar Jha, Adv.
For the State	:	Mr. Upendra Kumar, APP 67
For the complainant	:	Mr. Alok Kumar Alok, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioners, learned
counsel for the complaint and learned Additional Public
Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with
Complaint Case No. C/2042 of 2017 for the offences alleged
under Sections 406, 354, 323 and 504/34 of the Indian Penal
Code.

The complaint case, lodged by the opposite party no.
2, is that the petitioner no. 2 had taken Rs.30,000/- for purchase
of motorcycle, which he promised to return within a few days,
but, when the marriage of the daughter of the complainant was
fixed and he went to ask for return of his money, he was beaten



and assaulted by the petitioners, who took away Rs.15,000/- from the house of the complainant and jewelleryes worth Rs.60,000/-.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and the present case is an after thought of a case lodged by the petitioner no. 2 being Complaint Case No. 2006 of 2017 wherein both the parties were on inimical terms and allegations and counter allegations have been levelled against both the parties. He submits that there is no receipt of the complainant that the petitioner no. 2 had taken Rs.30,000/- from him and the entire story is a concocted one.

Learned counsel for opposite party no. 2 and the learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail.

Considering the facts and circumstances and materials on record, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. C/2042 of 2017 shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial



Magistrate, Sitamarhi, subject to the conditions as laid down
under Section 438(2) Criminal Procedure.

(Nilu Agrawal, J)

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