

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15379 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -MEHDIGANJ District- PATNA

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1. Jai Ram Mahto,
 2. Raj Kumar Mahto, both sons of late Moti Mahto,
 3. Amit Kumar, son of Jai Ram Mahto,
 4. Satyendra Kumar,
 5. Jitendra Kumar, both sons of Raj Kumar Mahto, all resident of Pratappur, P.S.-Mehandiganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

Mr. Kumar Mrityunjay Narain, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 19-03-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Mehandiganj**

P.S. Case No.51 of 2016 instituted for the offence under
Section(s) 323, 406, 420, 120-B, 504, 506/34 Indian Penal Code.

Counsel for the petitioners submits that agreement for sale has been entered into between the parties for the sale of plot no.2614. Agreement for sale has been enclosed as Annexure-3 to the bail petition. Counsel for the petitioners has submitted that they are ready to execute the sale deed for the aforesaid land.

The petitioners were directed to file Supplementary Affidavit along with valid document to show that the aforesaid



land belongs to them and they are in possession of the same.

The Supplementary Affidavit has been filed in the Court, wherein, mutation order has been annexed as Annexure-7, which shows that the aforesaid land has been mutated in the name of petitioner nos.1 and 2 and rent receipt is also issued in their favour.

Counsel for the informant has submitted that plot no.2614 is disputed. Therefore, he does not want to get sale deed executed for the aforesaid land.

This Court is of the view that such plea of the informant can be adjudicated properly in civil suit.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Mehandiganj P.S. Case No.51 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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