

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23535 of 2018

Arising Out of PS. Case No.-200 Year-2017 Thana- DARBHANGA District- Darbhanga

1. Madan Mahto,
2. Mohan Mahto, Both Sons of Late Ganesh Mahto,
3. Asha Devi W/o Mohan Mahto, All R/o Mohalla- Man Haran Lal,
P.S.- Town, District and Town Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharm Narayan Jha

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Darbhanga Town
P.S. case no. 200 of 2017 instituted for the offence under
Section(s) 448, 420, 427 and 306/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
petitioner nos. 1 and 2 are own nephew of the husband of the
informant. The father of the petitioner nos. 1 and 2 and his three
other brothers were co-sharer and they had joint property in the
shape of an small house. The father of petitioner nos. 1 and 2
and his three other brother amicably partitioned their joint
house.

In the instant case there is allegation that due to forceful



possession of the land by these petitioners the husband of the informant became unconscious and subsequently he died in the hospital. The counsel for petitioners submitted that instant case has been filed on account of civil dispute. The husband of informant died a natural death but this false case has been registered on account of such dispute.

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 Darbhanga Town P.S. case no. 200 of 2017, 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 learned CJM, Darbhanga, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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