

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49584 of 2019**

Arising Out of PS. Case No.-254 Year-2019 Thana- RAMKRISHNANAGAR
District- Patna

- =====
1. RAJA MAHTO Son of Laxmi Narayan Mahto @ Lintika Mahto Resident of Khamni Chak, P.S.- Ram Krishna Nagar, District- Patna.
 2. Ram Brish Mahto Son of Laxmi Narayan Mahto @ Lintika Mahto Resident of Khamni Chak, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Mukund Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 504, 506, 385, 387 of the Indian Penal Code registered in connection with Ram Krishna Nagar P.S. Case No. 254 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the accusations are highly improbable in nature considering that the land in question was purchased by the informant as far back as in the year 1985 but the measurement was being made recently as in the year 2019. In any event the accusation is merely of threatening but no money has been



delivered to the petitioners in order to attract the ingredients of the offence under Section 385IPC. It is submitted that having regard to the nature of accusations against the petitioners, the offences alleged under Section 385, 387 are not made out. It is further submitted that as a matter of fact the land in question is the ancestral property of the petitioners and they are paying the land revenue against which receipts have been granted by the Circle Officer vide Annexure-2 and the khatiyani of the land stands in the name of the petitioners' grand father Nokha Lal Mahto. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate cum Sub Judge-XIII, Patna in connection with Ram Krishna nagar P.S. Case No. 254 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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