

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31752 of 2020

Arising Out of PS Case No.-88 Year-2020 Thana- MASHARAK District- Saran

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1. Vinod Mahto (Male), aged about 55 years, Son of Late Shankar Mahto, Village - Banasohi, PS - Masharak, District - Saran.
 2. Suresh Mahto (Male), age about 50 years, Son of Late Shankar Mahto, Village - Banasohi, PS - Masharak, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar and Ors.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Singh, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Upendra Kumar Singh, learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Masharak PS Case No. 88 of 2020 dated 18.02.2020, instituted under Sections 188 and 353 of the Indian Penal Code.

3. The allegation against the petitioners is that they tried to create obstruction in the construction of *Anganbari Sevika Kendra* on the land of the informant.



4. Learned counsel for the petitioners submitted that the informant is the *Mukhiya* and had abused her position and because the petitioners were opposed to her, she has falsely made the allegation. It was further submitted that the father of the petitioners has filed title suit with regard to the same land against the informant which is still pending. Learned counsel submitted that even as per the FIR, no overt act is alleged and only a bald statement has been made that they tried to create obstacle in the construction. It was further submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that the petitioners tried to create obstacle in construction.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Chapra at Saran in Masharak PS Case No. 88 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the



petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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