

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12021 of 2022

Arising Out of PS. Case No.-762 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Kailash Mahto, Son Of Late Suraj Mahto @ Suraju Mahto Resident Of Village - Haspur, P.S. - Nayagaon, District - Begusarai.
 2. Nunu Lal Mahto, Son Of Late Suraj Mahto @ Suraju Mahto Resident Of Village - Haspur, P.S. - Nayagaon, District - Begusarai.
 3. Rajesh Mahto, Son Of Late Suraj Mahto @ Suraju Mahto Resident Of Village - Haspur, P.S. - Nayagaon, District - Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Brajesh Kumar Singh
For the Opposite Party/s :	Mr. Amit Kumar Rakesh
	Mr. Kuber Pathak
	Mr. Sanjay Kumar
	Dr. Anshuman
	Ms. Rita Kumari Upadhyaya
	Mr. Baban Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-09-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.3.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

Heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State.

The petitioner nos.1 and 2 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code.



The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the dispute in the present case relates to the fact that the complainant along with his brother had purchased 03 kattha 19 Dhurs of land from the petitioners, but on measurement, it was found that the land was 03 kattha 04 Dhurs only, as such, 15 Dhurs were short.

The learned counsel for the petitioners submits that one of the brothers of the petitioners is realizing his mistake and returned an amount proportionate to nearly 04 Dhurs of land which fell in his share. The learned counsel for the petitioners on instruction submits that petitioner nos.1 and 2 are also willing to pay the proportionate amount as has been paid by one of their brother, but they required some time.

The learned counsel for the complainant submits that he has no objection if the petitioner nos.1 and 2 are granted provisional anticipatory bail, so that when they make the payment of their share of money, then the same can be confirmed. The learned counsel for the petitioners on instruction submits that the entire amount which is due to the petitioners as per their share would be paid to the complainant by 21.12.2022. The learned counsel thus submits that the payment would be made in the account of the complainant to which the learned counsel for the complainant submits that he will provide the bank account number of the complainant to the learned counsel for the petitioners on his whatsapp.



Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on **provisional bail till 22.12.2022** on their furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.762C of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, if the payments are made by 21.12.2022, the learned trial Court shall forthwith confirm the provisional bail granted on the same terms and conditions and in the event, if the payments are not made as agreed by the learned counsel for the petitioners by 21.12.2022, the bail bonds of the petitioners shall be cancelled by the learned trial Court.

With the aforesaid observation and direction, the instant petition is disposed of.

(Satyavrat Verma, J)

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