

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40938 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- SHAHKUND District- Bhagalpur

1. Raghunandan Mahto S/O Bindeshwari Mahto R/O Village-Belthu, Ps Shahkund, District-Bhagalpur.
2. Abhinandan Mahto S/O Bindeshwari Mahto R/O Village-Belthu, Ps Shahkund, District-Bhagalpur.
3. Bindeshwari Mahto S/O Late Gurudeo Mahto R/O Village-Belthu, Ps Shahkund, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Manohar Prasad Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Shahkund P.S.Case No. 293 of 2020 registered for the offences punishable under Sections 341, 323, 324, 427, 354B, 384, 506/34of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant was returning to his house from the field, all the



accused petitioners apprehended her and demanded Rs. 5 lacs as ransom and further uprooted the pillors from the field. It is also alleged that accused persons armed with gun assaulted her and threatened to kill her.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the the petitioners that prior to institution of the present case, the informant had lodged Shahkund P.S.Case No. 161 of 2020 against the petitioners by making similar accusation. However, in the said case petitioners were granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 5953 of 2021 vide order dated 15.12.2021. It is further submitted that there is land dispute between the parties and the Title suit no. 74 of 2019 is pending between them. During the course of investigation, no injury report has been produced by the petitioner or Investigating Officer which also falsify the case of assault.

On the other hand, learned APP for the State



opposes the bail application of the petitioners and submits that there is specific allegation against all the petitioners, who have assaulted the informant.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that, there is land dispute pending between the parties and earlier with regard to the same occurrence an FIR has been instituted wherein the petitioners have already enlarged on anticipatory bail, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhagalpur in connection with Shahkund P.S.Case No. 293 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the



investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence
or intimidate the witnesses in course of investigation or
during the course of trial.

(Harish Kumar, J.)

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