

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45271 of 2021

Arising Out of PS. Case No.-284 Year-2019 Thana- BARHARIA District- Siwan

1. Ghun Mahato S/O Late Sakhi Chand Mahto R/O Village-Rakshopali, P.S.-BARHARIYA, District-Siwan.
2. Nirgun Mahato S/O Late Radha Mahto R/O Village-Rakshopali, P.S.-BARHARIYA, District-Siwan.
3. Jawahir Mahato @ Jawahir Mahto S/O Late Radha Mahto R/O Village-Rakshopali, P.S.-BARHARIYA, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Vijay Prakash learned counsel for the
petitioners as well as learned Additional Public Prosecutor for
the State.

The petitioners apprehend their arrest in connection
with Barharia P.S.Case No. 284 of 2019 registered for the
offences punishable under Sections 147, 148, 364, 302, 120B of
the Indian Penal Code.

As per prosecution case, it is alleged that on
15.10.2017, while the father of the informant was in his house ,



in the meantime, all the FIR named accused persons including the petitioners having formed unlawful assembly kidnapped his father with an intention to murder and conceal the dead body. It is also alleged that Civil suit no.787 of 2016 was pending between the parties and due to the land dispute, petitioner used to threaten to kill the informant and his father.

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 petitioners that the occurrence ,which is said to have taken place on 15.10.2017 the complaint case no. 180 of 2018 has been filed in the year 2018 which was later on sent to the concerned police station under section 156(3) and substantive FIR has been registered on 08.08.2019. It is further submitted that except suspicion, that too, after a long delay, there is nothing against the petitioners. It is also submitted that during the course of investigation, it has come that there is admitted land dispute between the parties and the father of the informant became Sadhu and for the last 20 years he used to roaming hither and thither in different Math. It is further submitted that petitioner's have no criminal antecedent and except the



suspicion , there is nothing against them and they are ready to give under taking that they will co-operate in the investigation.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioners are named in the FIR and suspicion has been raised in the involvement of kidnapping of father of the informant.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is inordinate delay in the institution of the complaint with regard to the occurrence which is said to have taken place way back and moreover, there is admitted land dispute in as much as even during the course of investigation, no substantive material has come which shows the complicity of the petitioners, apart from the fact the petitioners having no criminal antecedent, 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 Chief Judicial Magistrate, Siwan in connection with Barhariya P.S.Case No. 284 of 2019 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.)

N.K/-

U		T	
---	--	---	--

