

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46546 of 2021

Arising Out of PS. Case No.-1621 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Hari Narayan Mahto, S/O Late Muneshwar Mahto, R/O Village - Orlahiya, P.S - Sahiyara, District - Sitamarhi.
 2. Sanjay Kumar @ Sanjay Mahto, S/O Hari Narayan Mahto, R/O Village- Orlahiya, P.S-Sahiyara, District-Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar.
2. Prabhu Mahto, S/O Late Bhuneshwar Mahto, R/O Village - Orlahiya, P.S- Sahiyara, District - Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate
For the Opposite Party : Mr. Hans Lal Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-05-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Complaint Case No. 1621 of 2021 for the offence punishable under Sections 406, 323 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no.1 has died and therefore, this application has become infructuous.



In such view of the matter, this bail application is dismissed as having become infructuous as against petitioner no.1, above named.

It has been submitted by learned counsel for the petitioner that the petitioner no.2 is the nephew of the informant and the present case has been lodged because of some land dispute.

Considering the fact that the petitioner no. 2 is the nephew of the informant and the present case arises out of land dispute, inasmuch as, the petitioner no.2 has clean antecedent, this application is also allowed.

Let the petitioner no.2, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Sitamarhi, in connection with Complaint Case No. 1621 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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