

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13851 of 2023

Arising Out of PS. Case No.-346 Year-2020 Thana- CHANPATIA District- West Champaran

1. SHANKAR MAHTO S/o Late Kumar Mahto R/o Village- Vrindavan, P.S.- Kumarbagh O.P. (Chanpatia), Distt- West Champaran.
2. Jitendra Mahto S/o Late Kumar Mahto R/o Village- Vrindavan, P.S.- Kumarbagh O.P. (Chanpatia), Distt- West Champaran.
3. Jagdish Mahto S/o Late Kumar Mahto R/o Village- Vrindavan, P.S.- Kumarbagh O.P. (Chanpatia), Distt- West Champaran.
4. Mohan Mahto S/o Jagdish Mahto R/o Village- Vrindavan, P.S.- Kumarbagh O.P. (Chanpatia), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

Mr.Ashok Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in connection with Chanpatia [Kumarbagh O.P] P.S. Case No. 346 of 2020, dated 16.07.2020, registered for the offence punishable under Sections 406, 420, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner no. 3, namely, Jagdish Mahto has since been arrested, the anticipatory bail application, insofar as the petitioner no. 3 is



concerned, has become infructuous; and is permitted to be withdrawn.

Part of lands, as per allegation, were sold earlier to the informant. The remaining was also to be registered, for which, it is the prosecution case that some advance of money was paid, but the lands have not been registered nor possession handed over to the informant by the accused persons.

The learned counsel for the petitioners submits that a predominantly civil dispute is made out based on the allegation levelled in the FIR and resort to the criminal case is only for coercing the petitioners.

The petitioner no. 4, namely, Mohan Mahto was accused earlier in one case, as per disclosure made in paragraph no. 3 of the bail petition, in which he is on bail. The other two petitioners, namely, petitioner No. 1 Shankar Mahto and Petitioner No.2 Jitendra Mahto have no criminal antecedents. The submission is of false implication.

The learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail. The learned counsel for the informant has submitted that payments were made. However, the petitioners are not executing the deed or



handing over the possession and, in fact, are also threatening the informant with dire consequences.

Considering the rival submissions, the predominant civil nature of dispute emerging from the FIR, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioner nos. 1, 2 and 4, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Bettiah, West Champaran, in connection with Chanpatia [Kumarbagh O.P] P.S. Case No. 346 of 2020, dated 16.07.2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court



if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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