

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30289 of 2023

Arising Out of PS. Case No.-51 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

1. JAGMOHAN KUMAR MAHTO @ MOHAN MAHTO, SON OF LATE BANARSI MAHTO @ LATE BANRASI MAHTO, R/O-PANDASARAI, P.S.-LAHERIASARAI, DISTT.-DARBHANGA
2. KAMLESH KKUMAR MAHTO @ KAMLESH MAHTO, SON OF LATE JAGARNATH MAHTO, R/O-KOKDAHA, P.S.-SAKATPUR, DISTT.-DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in connection with Laheriasarai P.S. Case No. 51 of 2021 registered for offence under Sections 452, 341, 323, 357, 354, 506 and 34 of Indian Penal Code.

3. As per prosecution case, on 23.01.2021 at about 07:00 PM, all the accused persons, including the instant petitioners, entered into house of the informant and tried to kidnap her daughter. It is further alleged that they gave threats to her daughter by putting country made pistol on their body and sending photo on the mobile of her daughter.



4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have falsely been implicated in this case. As a matter of fact, Kamlesh Mahto, brother-in-law of co-accused Prem Mahto (brother of petitioner no.1), was residing in the house of Prem Mahto for the purpose of study. The informant and her family members approached Prem Mahto for marriage of his daughter with Kamlesh Mahto but Prem Mahto flatly refused the proposal and due to that, petitioners and other co-accused persons have been implicated in this false case. Petitioners have got clean antecedents. It is also submitted that co-accused namely Prem Mahto and Sunil Mahto have been allowed anticipatory bail in *Cr. Misc. No. 33230 of 2021*.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, claim based on parity and clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioners, 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 learned Chief Judicial Magistrate, Darbhanga, in connection with Laheriasarai P.S. Case No. 51 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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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