

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36397 of 2024

Arising Out of PS. Case No.-208 Year-2022 Thana- HARSIDHI District- East Champaran

1. Anil Mahto Son Of Raghuvar Mahto @ Raghuveer Mahto Resident Of Village - Dhankhariya Tola Ranjita, P.S. - Harsidhi, District - East Champaran
2. Pawan Mahto @ Mantu Kumar Mahto @ Pawan Kumar Son Of Chandrika Mahto Resident Of Village - Shripur, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 208 of 2022 registered on 11.05.2022 for the alleged offences under Section 420, 406, 302, 201 & 120(B) of the Indian Penal Code.

03. As per prosecution case, husband of the complainant/informant was taken outside the State by the petitioners for doing work and earn money. The husband of the informant did not return and the informant showed her suspicion that in order to grab the money earned by the husband of the informant, the petitioners killed him and disposed of the dead body.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case has been lodged in order to extort money from the petitioners. The complaint case was lodged after ten months and the delay has not been explained. The informant has herself admitted that she was in touch with her husband and after four months she lost contact with her husband, but she lodged the complaint case only on 10.01.2022, i.e., after six months. The learned counsel further submits that the husband of the informant was partially handicapped and was working as a labourer in a mill and it was found that the husband of the informant was a drunkard and he suddenly disappeared from the scene. Petitioner no. 1 is a co-villager of the informant and petitioner no. 2 is his brother-in-law. The informant dragged their name in this case only on instigation of the enemies of these petitioners and on suspicion only. Learned counsel further submits that a compromise petition has also been filed by the informant. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation against the petitioners and



strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 208 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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